



Health & Families Council

Thursday, April 20, 2006
2:45 PM – 4:45 PM
Reed Hall

Action Packet

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 275 CS

Meeting Date: 4/20/06

Date Received: _____

Place: Reel Hall

Date Reported: _____

Time: 2:45 pm

Subject: motor vehicle insurance for foster children

Council/Committee Action:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	<u>Carried 1</u>							
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
8	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

*Speaker Codes

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

Rep. D del - yes after roll call

AMENDMENT TO HB 275 CS by Rep. Glorioso

The amendment will add Hillsborough County to the pilot established by the bill and will add \$100,000 to the required appropriation.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0275 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION _____ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN ☒ (Y/N)

OTHER _____

Council/Committee hearing bill: Insurance Committee

Representative(s) Glorioso offered the following:

Amendment (with title amendment)

Remove lines 38-75 and insert:

Pinellas, Hillsborough, and Pasco Counties to pay a portion of the cost of motor vehicle insurance for foster children who have obtained a driver's license.

(2) To the extent that funding is available, the pilot program shall provide funds to pay for a portion of the increase in the cost of motor vehicle insurance incurred by foster parents, residential facilities, and foster children living independently. To be eligible for payment under the pilot program, the person incurring the cost must submit to the department appropriate documentation demonstrating the increase in the cost of insurance. The amount of the payment provided to the foster parent, residential facility, or foster child living independently shall be one-half of the amount of the increase in the cost of motor vehicle insurance which is incurred as a result of adding the foster child to the policy or less than one-half if another source of funding is available to pay for

Redraft A

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

the increase. The foster child must be encouraged to pay the other half of the increase in insurance costs.

(3) The department shall develop procedures for operating the pilot program, including, but not limited to, determining eligibility, providing the payment, ensuring that payment is limited solely to the additional cost of including the foster child in the insurance policy, and ensuring that the payments are made to eligible persons in the order each person is determined eligible until the funds are exhausted.

(4) The department shall examine and use, to the extent possible, other available options for funding the cost of the motor vehicle insurance increase, such as, but not limited to, through the child's master trust fund, social security income, child support payments, and other income available to the child.

(5) Beginning January 1, 2007, and continuing for the duration of the pilot program, the department shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives an annual report on the success and outcomes achieved by the pilot program, with a recommendation as to whether the pilot program should be continued, terminated, or expanded.

Section 2. The sum of \$250,000 is appropriated from the

===== T I T L E A M E N D M E N T =====

Remove line 14 and insert:

Sarasota, Desoto, Manatee, Pinellas, Hillsborough, and Pasco Counties;

Redraft A

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 621CS

Meeting Date: 4/20/06

Date Received: _____

Place: Reed Hall

Date Reported: _____

Time: 2:45 pm

Subject: AMO

Council/Committee Action:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Bean								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Brandenburg								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Galvano								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Garcia								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	H Gibson								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Harrell								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Homan								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Robaina								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Sobel								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Vana								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 645CS

Meeting Date: 4/20/06

Date Received: _____

Place: Reed Hall

Date Reported: _____

Time: 2:45 pm

Subject: emergency facility

Council/Committee Action:

- | | |
|--|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	1		2		3			
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

*Speaker Codes

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

AMENDMENT 1 TO HB 645 CS

This amendment expands participation in the pilot to five Panhandle counties that were impacted during the 2004 and 2005 hurricane season.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 645 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Health & Families Council
Representative(s) Benson offered the following:

Amendment

Remove line(s) 36 - 37 and insert:

(a) Be located in Bay County, Broward County, Collier
County, Dade County, Escambia County, Monroe County, Okaloosa
County, Palm Beach County, Santa Rosa County, or Walton County;

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AMENDMENT 2 TO HB 645 CS

This amendment clarifies the maximum annual reimbursement amount.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. **HB 645 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION ☒ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

Council/Committee hearing bill: Health & Families Council
Representative(s) Benson offered the following:

Amendment

Remove line(s) 55 - 58 and insert:

shall reimburse the facility for up to one-half the cost of the
contract described in paragraph (2)(e) to secure an electrical
generator, which reimbursement shall not exceed \$7,500 for each
year of the 2-year pilot program. The agency shall also
reimburse the facility for the

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AMENDMENT 3 TO HB 645 CS

This amendment requires AHCA to develop a reimbursement plan in order to draw down federal funding and expand the program beyond the pilot area.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. **HB 645 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)

OTHER _____

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Benson offered the following:

4 **Amendment (with title amendments)**

5 Remove line(s) 94 and insert:

6 (7) The agency is directed to develop a reimbursement plan
7 to maximize federal funding in order to expand the pilot
8 program. The plan shall include criteria for expansion to other
9 counties and shall take into account the experiences of the
10 participants in the pilot program. The plan shall be presented
11 to the President of the Senate and the Speaker of the House of
12 Representatives by December 31, 2006.

13 Section 2. This act shall take effect upon becoming a law.

15 ===== T I T L E A M E N D M E N T =====

16 Remove line(s) and insert:

17 the agency to adopt rules; requiring the Agency for Health
18 Care Administration to prepare a reimbursement plan;
19 providing an effective date.

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House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: **Health & Families Council**

Bill Number: **HB 675C5**

Meeting Date: **4/20/06**

Date Received: _____

Place: **Red Hall**

Date Reported: _____

Time: **2:45 pm**

Subject: **sale or lease of a county, district or municipal hospital**

Council/Committee Action:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	1							
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
9	1									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

Amendment to HB 675 by Rep. Pickens

The amendment provides a public necessity statement for the public records exemption in HB 675. A public necessity statement is required by Article 1, section 24(c) of the Florida Constitution for any public records exemption. Currently the bill does not have a public necessity statement. The public necessity statement explains how limiting how a transaction involving the lease of a hospital may be construed as a public necessity.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 675 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Pickens offered the following:

Amendment (with directory and title amendments)

5 Between lines 134-135 insert:

6 Section 2. (1) The Legislature finds that it is a
7 public necessity to limit how a transaction involving the lease
8 of a hospital may be construed. The Legislature further finds
9 that it is a public necessity that all records of a private
10 corporation be kept confidential and exempt from the public
11 records and public meeting laws of this state when the private
12 corporation leases a public hospital or other public health care
13 facility from a public entity in accordance with the terms of
14 section 155.40, Florida Statutes, and chapter 395, Florida
15 Statutes. The Legislature further finds that private
16 corporations have entered into such leases in reliance on the
17 legal standards governing the application of the public records
18 and open meeting laws to such lease agreements.

19 (2) One such standard, which was set forth in case law
20 existing at the time of a transaction, provided that such
21 private lessees were not "acting on behalf of" the public entity

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 and, therefore, not subject to the state's public records laws
23 so long as the public entity did not retain control over the
24 private lessee. No one factor was used to determine whether the
25 public entity exerted control; instead a "totality of factors"
26 was analyzed and the decision made on the balance of those
27 factors. Recent court decisions, however, have applied the
28 standard in a manner that may cause more lessees to be subject
29 to public records and meetings requirements. The Legislature
30 finds that the effect of the decision has been:

31 (a) To create uncertainty with respect to the status of
32 records and meetings under existing lease arrangements; and

33 (b) To create a disincentive for private corporations to
34 enter into such lease agreements in the future.

35 (3) Public entities have chosen to privatize the
36 operations of their public hospitals and public health care
37 facilities in order to alleviate three problems that pose a
38 significant threat to the continued viability of Florida's
39 public hospitals:

40 (a) A financial drain on the facilities from their forced
41 participation in the Florida Retirement System;

42 (b) The competitive disadvantage placed on these
43 facilities vis a vis their private competitors resulting from
44 their required compliance with the state's public records and
45 public meeting laws; and

46 (c) Restrictions on public facility participation in
47 partnerships with private corporations because of the
48 limitations contained in the State Constitution.

49 (4) For years, the Legislature has approved and encouraged
50 these leases, first through special acts that it has adopted
51 authorizing the lease agreements and, more recently, through the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52 adoption of section 155.40, Florida Statutes, which provides for
53 the conversion of public hospital facilities to private
54 operation by lease, as a means to provide public entities with
55 the necessary flexibility to use these public assets in a manner
56 that best serves the interests of the public. Through such lease
57 arrangement, public entities have been able to obtain
58 substantial and oftentimes desperately needed private capital
59 investment into these facilities and to relieve the oftentimes-
60 burdensome drain on public tax revenues, which resulted from
61 public operation.

62 (5) In the absence of a defined and, therefore,
63 predictable statewide standard for determining when the public
64 records and public meetings laws apply to future lease
65 agreements, public entities may find it difficult, if not
66 impossible, to find a private corporation that is willing to
67 enter into a lease to operate the public hospital or other
68 public health care facility. This, in turn, could force the
69 public entity:

70 (a) To close the hospital or other health care facility,
71 which would result in a reduction in health care services to the
72 public;

73 (b) To sell the hospital or other health care facility,
74 which sale, if the facility has deteriorated because of
75 inadequate capital investments over time, will likely be at a
76 loss; or

77 (c) To continue operating the hospital or other health care
78 facility using public tax dollars to subsidize recurring losses.
79 None of these options is in the best interest of the public.

80 (6) The Legislature, therefore, finds that it is a public
81 necessity for it, through this act, to clarify when the public

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

82 records and public meeting laws apply to private lessees of
83 public hospital or other public health care facilities. The
84 Legislature further finds that it is a public necessity for
85 these private lessees to be exempt from the public records and
86 public meetings laws of the state so long as, applying the
87 standard codified by this act, the public entity does not retain
88 control over the private entity.

89 (7) The Legislature further finds that it is a public
90 necessity for it, through this act, to clarify when the public
91 records and public meeting laws apply to a private purchaser of
92 a public hospital or other public health care facilities. The
93 Legislature also finds that it is a public necessity that the
94 records of a private corporation that purchases a public
95 hospital pursuant to s. 155.40, Florida Statutes, be made
96 confidential and exempt from public records requirements and be
97 made exempt from public meetings requirements. The Legislature
98 has always intended that private entities that purchase public
99 hospitals not be subject to the public records and public
100 meetings laws of the state because the private entities do not
101 act on behalf of the public entities from whom they purchase a
102 public hospital. Some recent court decisions, however, have
103 found that private entities that purchase public hospitals are
104 subject to public records and public meetings laws and have
105 failed to recognize that the public entity does not retain any
106 control over the private entity or the formerly public hospital
107 following the sale of a public hospital to a private entity.
108 Therefore, the Legislature finds that it is a public necessity
109 to confirm its intent that private entities that purchase
110 formerly public hospitals are not subject to the public records
111 laws or public meetings laws of the state.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

112 (8) Public entities choose to sell their public hospitals
113 to private corporations when the public entity is no longer able
114 to operate the hospital in a fiscally responsible manner and
115 where taxpayers would otherwise be required to finance the
116 operations of the hospital beyond indigent care. If the public
117 records laws and public meetings laws apply to private
118 corporations that purchase public hospitals, public entities may
119 find it difficult, if not impossible, to find a private
120 corporation that is willing to purchase or lease a public
121 hospital. This could force the public entity to close the
122 hospital, which would result in a reduction in health care
123 services to the public, or continue operating the hospital using
124 public tax dollars to subsidize recurring losses. Neither of
125 these options is in the best interest of the public. The
126 Legislature, therefore, finds that it is a public necessity to
127 confirm that the state's public records laws and public meetings
128 laws do not apply to any private corporation that purchases a
129 public hospital, regardless of whether the corporation had
130 previously leased that public hospital and provided that the
131 private entity does not act on behalf of the public entity.

132 (9) Finally, the Legislature finds that a lessee or
133 purchaser of a public hospital or other health care facility
134 does not act on behalf of the public entity and is not subject
135 to the public records or public meetings laws of the state,
136 provided that the public entity does not retain control over
137 such lessee or purchaser. To find otherwise would place private
138 entities that purchase or lease public hospitals at a
139 competitive disadvantage compared to other private entities that
140 own or lease private hospitals that were not formerly public

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

hospitals and would serve as a disincentive to private entities
considering the purchase or lease of a public hospital.

===== D I R E C T O R Y A M E N D M E N T =====

Remove line(s) 18 and 19 and insert:

Section 1. Section 155.40, Florida Statutes, is reenacted
and amended to read:

===== T I T L E A M E N D M E N T =====

Remove lines 8 - 14 of the title and insert:

district, or municipal hospital; reenacting s. 155.40, F.S.;
amending s. 155.40, F.S.; providing for the effect of the sale
of a public hospital to a private purchaser; providing that the
purchaser of a public hospital is not acting on behalf of the
public entity seller and is not an agency within the meaning of
ch. 119, F.S., unless the sale document expressly provides to
the contrary; providing a finding of public necessity; providing
an effective date.

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 685 C5

Meeting Date: 4/20/06

Date Received:

Place: Reed Hall

Date Reported:

Time: 2:45 PM

Subject: Veterinary drug distribution

Council/Committee Action:

- ☐ Favorable
☐ Favorable w/ _____ amendments
☒ Favorable w/Council/Committee Substitute
☐ Other Action: _____

- ☐ Retained for Reconsideration
☐ Reconsidered
☐ Temporarily Postponed
☐ Unfavorable

Final Vote On Bill		MEMBERS	1		1a		1b		1c	
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

*Speaker Codes

Lobbyist: L
State Employee: SE
General Public: G
Requested to Speak: R

Proponent: P
Opponent: O
Information only: I

Page 2 of 2

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: _____

Meeting Date: _____

Date Received: _____

Place: _____

Date Reported: _____

Time: _____

Subject: _____

Council/Committee Action:

- | | |
|---|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	<i>Substitute Amend</i>							
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
		Bean								
		Brandenburg								
		Galvano								
		Garcia								
		H Gibson								
		Harrell								
		Homan								
		Robaina								
		Sobel								
		Vana								
		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

*Speaker Codes

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

Amendment to HB 685 by Rep. Homan

The amendment expands the definition of pedigree papers. The amendment provides that pedigree papers are also a statement in written or electronic form, under oath, that:

- If the establishment is not a member of an affiliated group: "This establishment purchased the specific unit of the prescription drug directly from the manufacturer";
 - If the establishment is a member of an affiliated group: "This establishment or member of my affiliated group purchased the specific unit of the prescription drug directly from the manufacturer."
-

The amendment allows for a pedigree paper phase in period for inventory on the shelf July 1, 2006 and the return of prescription drug product sold prior to July 1, 2006 but returned after July 1, 2006. Provisions for drop ship wholesale distribution of prescription drugs are provided for in the amendment, as well as phase-in rule-making authority for the Department of Health.

The amendment reenacts pedigree paper violation criminal penalties. This provides that the criminal penalties will apply to the new definition of pedigree papers.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 685 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER

See Substitute

Council/Committee hearing bill: Health & Families Council
Representative(s) Homan offered the following:

Amendment (with directory and title amendments)

Between line(s) 34-35 insert:

Section 1. Subsection (31) of section 499.003, Florida
Statutes, is amended to read:

499.003 Definitions of terms used in ss. 499.001-499.081.-
-As used in ss. 499.001-499.081, the term:

(31) "Pedigree paper" means:

(a) A document required pursuant to s. 499.0121(6)(d) or
(e); or

(b) Effective July 1, 2006:

1. A document or electronic form approved by the
Department of Health and containing information that records
each distribution of any given legend drug, from sale by a
pharmaceutical manufacturer, through acquisition and sale by any
wholesaler or repackager, until final sale to a pharmacy or
other person administering or dispensing the drug; or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

21 2. If the specific unit of the prescription drug was
22 purchased by the wholesaler directly from the manufacturer, a
23 statement in written or electronic form, under oath, that:

24 a. If the establishment is not a member of an affiliated
25 group: "This establishment purchased the specific unit of the
26 prescription drug directly from the manufacturer";

27 b. If the establishment is a member of an affiliated
28 group: "This establishment or a member of my affiliated group
29 purchased the specific unit of the prescription drug directly
30 from the manufacturer".

31
32 As used in subparagraph (b)2., "directly from the manufacturer"
33 has the same meaning as 499.012(1)(e).

34 (c) The information required to be included on the form
35 prescribed by the department pursuant to subparagraph (b)1. a
36 ~~legend drug's pedigree paper~~ must at least detail the amount of
37 the legend drug; its dosage form and strength; its lot numbers;
38 the name and address of each owner of the legend drug and his or
39 her signature; its shipping information, including the name and
40 address of each person certifying delivery or receipt of the
41 legend drug; an invoice number, a shipping document number, or
42 another number uniquely identifying the transaction; and a
43 certification that the recipient wholesaler has authenticated
44 the pedigree papers. If the manufacturer or repackager has
45 uniquely serialized the individual legend drug unit, that
46 identifier must also be included on the form prescribed by the
47 department pursuant to subparagraph (b)1. ~~pedigree~~. It must also
48 include the name, address, telephone number and, if available,
49 e-mail contact information of each wholesaler involved in the
50 chain of the legend drug's custody. The department shall adopt

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

51 rules and a form relating to the requirements of subparagraph
52 (b)1. this paragraph no later than 90 days after the effective
53 date of this act.

54 (d) With respect to those prescription drugs in the
55 inventory of a wholesaler on June 30, 2006, and notwithstanding
56 the information required by subparagraph (c) to be included on
57 the form specified by the department, the department shall adopt
58 rules, including emergency rules, that shall expire on January
59 1, 2007, to reduce the specific items of information required to
60 be included on the form specified by the department so that
61 wholesalers have until December 31, 2006, to dispose of those
62 prescription drugs in their physical inventory on June 30, 2006,
63 utilizing the information that is required to be provided by
64 such a wholesaler pursuant to s. 499.0121(6)(d) or (e),
65 whichever is appropriate. Each wholesaler shall submit to the
66 department an inventory of all of the prescription drugs in the
67 possession of the wholesaler not later than July 17, 2006. The
68 rules adopted pursuant to this paragraph do not apply to any
69 wholesaler that fails to submit its inventory to the department
70 by July 17, 2006. The provisions of this paragraph expire on
71 January 1, 2007.

72 Section 2. Paragraph (e) of subsection (3) of section
73 499.0661, Florida Statutes, is amended to read:

74 499.0661 Cease and desist orders; removal of certain
75 persons.--

76 (3) REMOVAL OF AFFILIATED PARTIES BY THE DEPARTMENT.--

77 (e)1. The chief executive officer, designated
78 representative, or the person holding the equivalent office, of
79 a permittee shall promptly notify the department if she or he

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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80 has actual knowledge that any affiliated party is charged with a
81 felony in a state or federal court.

82 2. Whenever any affiliated party is charged with a felony
83 in a state or federal court or with the equivalent of a felony
84 in the courts of any foreign country with which the United
85 States maintains diplomatic relations, and the charge alleges
86 violation of any law involving prescription drugs,
87 pharmaceuticals, fraud, theft, or moral turpitude, the
88 department may enter an emergency order suspending the
89 affiliated party or restricting or prohibiting participation by
90 the affiliated party in the affairs of the particular permittee
91 or of any other permittee upon service of the order upon the
92 permittee and the affiliated party charged. The order must
93 contain notice of opportunity for a hearing pursuant to ss.
94 120.569 and 120.57, where the affiliated party may request a
95 postsuspension hearing to show that continued service to or
96 participation in the affairs of the permittee does not pose a
97 threat to the public health or the interests of the permittee
98 and does not threaten to impair public confidence in the
99 permittee. In accordance with applicable departmental rules, the
100 department shall notify the affiliated party whether the order
101 suspending or prohibiting the person from participation in the
102 affairs of a permittee will be rescinded or otherwise modified.
103 The emergency order remains in effect, unless otherwise modified
104 by the department, until the criminal charge is disposed of. The
105 acquittal of the person charged, or the final, unappealed
106 dismissal of all charges against the person, dissolves the
107 emergency order but does not prohibit the department from
108 instituting proceedings under paragraph (a). If the person
109 charged is convicted or pleads guilty or nolo contendere,

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whether or not an adjudication of guilt is entered by the court,
the emergency order shall become final.

3. Whenever a permittee is charged with violation of ss. 499.0051 or 499.0052, the department shall enter an emergency order suspending the permittee's permit. The order must contain notice of opportunity for a hearing pursuant to ss. 120.569 and 120.57, where a permittee may request a postsuspension hearing to show that continued operation by the permittee under his or her permit does not pose a threat to the public health and does not threaten to impair public confidence in the permittee. In accordance with applicable departmental rules, the department shall notify the permittee whether the order suspending the permit of the permittee will be rescinded or otherwise modified. The emergency order remains in effect, unless otherwise modified by the department, until the criminal charge is disposed of. The acquittal of the permittee charged, or the final, unappealed dismissal of all charges against the permittee, dissolves the emergency order but does not prohibit the department from instituting proceedings under paragraph (a). If a permittee charged with a violation of ss. 499.0051 or 499.0052 is convicted or pleads guilty or nolo contendere, whether or not an adjudication of guilt is entered by the court, the emergency order shall become final.

4. The department shall publish on its website a list of all permittees against whom an emergency order or a permanent order under this section is entered.

Section 3. Subsections (8), and (9) are added to section 499.067, Florida Statutes, to read:

499.067 Denial, suspension, or revocation of permit, certification, or registration.--

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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(8) The department shall deny an application for a permit for an establishment if the applicant, any person named pursuant to s. 499.012(3)(k) in the applicant's application, or the person designated pursuant to s. 499.012(11) by an applicant have been convicted or plead guilty or nolo contendere, whether or not an adjudication of guilt is entered by the court.

(9) The department shall revoke the permit of an establishment if the permittee, any person named pursuant to s. 499.012(3)(k) in the permittee's application, or the person designated pursuant to s. 499.012(11) by the permittee are convicted or plead guilty or nolo contendere, whether or not an adjudication of guilt is entered by the court.

Section 4. Paragraph (f) of subsection (6) of section 499.0121, Florida Statutes, is amended to read:

499.0121 Storage and handling of prescription drugs; recordkeeping.--The department shall adopt rules to implement this section as necessary to protect the public health, safety, and welfare. Such rules shall include, but not be limited to, requirements for the storage and handling of prescription drugs and for the establishment and maintenance of prescription drug distribution records.

(6) RECORDKEEPING.--The department shall adopt rules that require keeping such records of prescription drugs as are necessary for the protection of the public health.

(f)1. Effective July 1, 2006, each person who is engaged in the wholesale distribution of a prescription drug and who is not the manufacturer of that drug must, before each wholesale distribution of such drug, provide to the person who receives the drug a pedigree paper as defined in s. 499.003(31).

2. A repackager must comply with this paragraph.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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3. The pedigree paper requirements in this paragraph do not apply to compressed medical gases or veterinary legend drugs.

4. Each wholesale distributor of prescription drugs must maintain separate and distinct from other required records all statements that are required under subparagraph 1.

5. In order to verify compliance with subparagraph (d)1., each manufacturer of a prescription drug sold in this state must make available upon request distribution documentation related to its sales of prescription drugs, regardless of whether the prescription drug was sold directly by the manufacturer to a person in Florida.

6. Subparagraph (f)1. of this subsection does not apply where a wholesale distributor takes title to, but not possession of, a prescription drug, and the prescription drug's manufacturer ships the prescription drug directly to an entity authorized by law to administer or dispense prescription drugs or an affiliated group as defined in subparagraph (h)1. of this subsection.

a. The wholesale distributor must send an invoice to the purchaser of the prescription drug that contains a clear cross-reference to the shipping document sent by the manufacturer to the purchaser of the prescription drug.

b. The purchaser of the prescription drug must obtain a shipping document from the manufacturer that contains, at a minimum:

(I) The name and address of the manufacturer, including the point of origin of the shipment; the wholesaler; and such purchaser;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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(II) The name of the prescription drug as it appears on the label;

(III) The quantity, dosage form, and strength of the prescription drug; an

(IV) The date of the shipment.

The manufacturer must also make available to the department, upon request, the lot number of such drug if not contained in the shipping document received by such purchaser.

7. The department may by rule define alternatives to compliance with subparagraph (f)1. for a prescription drug in the inventory of a permitted prescription drug wholesaler as of June 30, 2006; the drop shipment of a prescription drug from the manufacturer of the drug to those entities specified under subparagraph (6)(f)6. of this subsection; and the return of a prescription drug purchased prior to July 1, 2006. The department may specify time limits for such alternatives.

Section 5. Subsection (29) of section 499.005, Florida Statutes, is amended to read:

499.005 Prohibited acts.--It is unlawful for a person to perform or cause the performance of any of the following acts in this state:

(29) The receipt of a prescription drug pursuant to a wholesale distribution without first receiving a pedigree paper as defined in s. 499.0033(31) or shipping document in compliance with s. 499.0121(6)(f) that was attested to as accurate and complete by the wholesale distributor.

===== T I T L E A M E N D M E N T =====

Remove line(s) 6 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

229 An act relating to drug distribution; amending s.
230 499.003, F.S., amending a definition; requiring the
231 department to create a form to conform to the changed
232 definition; requiring the department to create a rule
233 for the disposal of prescription drugs in inventory
234 on June 30, 2006; requiring wholesalers to provide a
235 list of inventory by a specified date; providing an
236 expiration date; amending s. 499.0661, F.S.,
237 providing for emergency suspension of a permittee if
238 convicted of specified violations; requiring the
239 department to publish certain permittee names;
240 amending s. 499.067, F.S., prohibiting issuance of
241 permits to specified applicants; requiring revocation
242 of permits of specified permittees; amending s.
243 499.0121, F.S., providing an exception for certain
244 shipment of drugs; requiring certain information on a
245 shipping document; authorizing the department to
246 promulgate certain rules; amending s. 499.005, F.S.,
247 prohibiting a person from receiving a prescription
248 drug without specified shipping document; amending

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. (for drafter's use only)

Bill No. HB 685 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	<input checked="" type="checkbox"/>	(Y/N)
OTHER	___	

1 Council/Committee hearing bill: Health and Family
2 Representative(s) Homan offered the following:
3

4 **Amendment to Amendment by Representative Homan**

5 Remove line(s) 185 - 188 and insert:

6 manufacturer ships the prescription drug directly to a person
7 authorized by law to administer or dispense prescription drugs
8 or a member of an affiliated group, as described in paragraph
9 (h) of this subsection, with the exception of a repackager.

16

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 685 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION _____ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN ☒ (Y/N)

OTHER _____

Council/Committee hearing bill: Health and Family

Representative(s) Homan offered the following:

Amendment to Amendment by Representative Homan

Remove line(s) 210 - 212 and insert:

June 30, 2006 and the return of a

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment No. (for drafter's use only)

Bill No. HB 685 CS

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Health and Family

2 Representative(s) Homan offered the following:

3
4 **Amendment to Amendment by Representative Homan**

5 Remove line(s) 221 - 224 and insert:

6 wholesale distribution with either first receiving a pedigree
7 paper that was attested to as accurate and complete by the
8 wholesale distributor or complying with the provisions of s.
9 499.0121 (6)(f)6.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

Bill No. **HB 685 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED ☒ (Y/N)

ADOPTED AS AMENDED ☐ (Y/N)

ADOPTED W/O OBJECTION ☐ (Y/N)

FAILED TO ADOPT ☐ (Y/N)

WITHDRAWN ☐ (Y/N)

OTHER _____

Council/Committee hearing bill: Health & Families Council
Representative(s) Garcia offered the following:

**Substitute Amendment for Amendment (1) by Representative
Homan (with directory and title amendments)**

Remove line(s) 7-224 and insert:

Section 1. Subsection (31) of section 499.003, Florida
Statutes, is amended to read:

499.003 Definitions of terms used in ss. 499.001-499.081.-
-As used in ss. 499.001-499.081, the term:

(31) "Pedigree paper" means:

(a) A document required pursuant to s. 499.0121(6)(d) or
(e); or

(b) Effective July 1, 2006, a document or electronic form
approved by the Department of Health and containing information
that records each distribution of any given legend drug, from
sale by a pharmaceutical manufacturer, through acquisition and
sale by any wholesaler or repackager, until final sale to a
pharmacy or other person administering or dispensing the drug.

The information required to be included on a legend drug's
pedigree paper must at least detail the amount of the legend

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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23 drug; its dosage form and strength; its lot numbers; the name
24 and address of each owner of the legend drug and his or her
25 signature; its shipping information, including the name and
26 address of each person certifying delivery or receipt of the
27 legend drug; an invoice number, a shipping document number, or
28 another number uniquely identifying the transaction; and a
29 certification that the recipient wholesaler has authenticated
30 the pedigree papers. If the manufacturer or repackager has
31 uniquely serialized the individual legend drug unit, that
32 identifier must also be included on the pedigree. It must also
33 include the name, address, telephone number and, if available,
34 e-mail contact information of each wholesaler involved in the
35 chain of the legend drug's custody. The department shall adopt
36 rules and a form relating to the requirements of this paragraph
37 no later than 90 days after the effective date of this act; ~~or-~~

38 (c) A document or electronic form approved by the
39 Department of Health and containing information that records
40 each distribution of any given legend drug, from sale by a
41 pharmaceutical manufacturer, through acquisition and sale by any
42 wholesaler or repackager, until final sale to a pharmacy or
43 other person administering or dispensing the drug; or if the
44 specific unit of the legend drug was purchased by a wholesaler
45 directly from the manufacturer "direct purchase wholesaler," an
46 invoice for the specific unit of the legend drug together with a
47 certificate under oath in written or electronic form stating
48 that:

49 1. If the establishment is not a member of an affiliated
50 group: "This establishment purchased the specific unit of the
51 prescription drug directly from the manufacturer."

52 2. If the establishment is a member of an affiliated
53 group: "This establishment or a member of its affiliated group

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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54 purchased the specific unit of the prescription drug directly
55 from the manufacturer."

56
57 The provisions in this paragraph shall constitute a sufficient
58 pedigree paper only for the purpose of the Direct Purchaser
59 Wholesaler engaging in a single sale or distribution transaction
60 in that specific unit of legend drug to an entity authorized by
61 law to purchase legend drugs for the purpose of administering or
62 dispensing the drug pursuant to s. 465.003. No other
63 transactions in that specific unit of legend drug may take
64 place, unless the Direct Purchase Wholesaler creates and
65 furnishes to any subsequent purchaser a pedigree paper such as
66 described herein. Such pedigree paper shall be prepared and
67 updated for every transfer following the Direct Purchase
68 Wholesaler's receipt of the specific unit of legend drug
69 directly from the manufacturer. The information required to be
70 included on the form prescribed by the Department of Health
71 pursuant to this section and required of any subsequent
72 transfers of legend drugs received by a Direct Purchase
73 Wholesaler in a transaction governed by this section as
74 described herein must at least detail the amount of the legend
75 drug; its dosage form and strength; its lot numbers; the name
76 and address of each owner of the legend drug after the
77 manufacturer and his or her signature; its shipping information,
78 including the name and address of each person certifying
79 delivery or receipt of the legend drug after the manufacturer;
80 an invoice number, a shipping document number, or another number
81 uniquely identifying the transaction; and a certification that
82 the recipient wholesaler has authenticated the pedigree papers
83 as required herein. If the manufacturer or repackager has
84 uniquely serialized the individual legend drug unit, that

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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85 identifier must also be included on the form prescribed by the
86 Department of Health and required of any subsequent transfers of
87 prescription drugs received by a wholesaler in a transaction
88 governed by this section. It must also include the name,
89 address, telephone number and, if available, e-mail contact
90 information of each wholesaler involved in the chain of the
91 legend drug's custody. The department shall adopt rules and a
92 form relating to the requirements of this paragraph.

93 Section 2. Paragraph (e) of subsection (3) of section
94 499.0661, Florida Statutes, is amended to read:

95 499.0661 Cease and desist orders; removal of certain
96 persons.--

97 (3) REMOVAL OF AFFILIATED PARTIES BY THE DEPARTMENT.--

98 (e)1. The chief executive officer, designated
99 representative, or the person holding the equivalent office, of
100 a permittee shall promptly notify the department if she or he
101 has actual knowledge that any affiliated party is charged with a
102 felony in a state or federal court.

103 2. Whenever any affiliated party is charged with a felony
104 in a state or federal court or with the equivalent of a felony
105 in the courts of any foreign country with which the United
106 States maintains diplomatic relations, and the charge alleges
107 violation of any law involving prescription drugs,
108 pharmaceuticals, fraud, theft, or moral turpitude, the
109 department may enter an emergency order suspending the
110 affiliated party or restricting or prohibiting participation by
111 the affiliated party in the affairs of the particular permittee
112 or of any other permittee upon service of the order upon the
113 permittee and the affiliated party charged. The order must
114 contain notice of opportunity for a hearing pursuant to ss.
115 120.569 and 120.57, where the affiliated party may request a

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postsuspension hearing to show that continued service to or participation in the affairs of the permittee does not pose a threat to the public health or the interests of the permittee and does not threaten to impair public confidence in the permittee. In accordance with applicable departmental rules, the department shall notify the affiliated party whether the order suspending or prohibiting the person from participation in the affairs of a permittee will be rescinded or otherwise modified. The emergency order remains in effect, unless otherwise modified by the department, until the criminal charge is disposed of. The acquittal of the person charged, or the final, unappealed dismissal of all charges against the person, dissolves the emergency order but does not prohibit the department from instituting proceedings under paragraph (a). If the person charged is convicted or pleads guilty or nolo contendere, whether or not an adjudication of guilt is entered by the court, the emergency order shall become final.

3. Whenever a permittee is charged with violation of ss. 499.0051 or 499.0052, the department may enter an emergency order suspending the permittee's permit. The order must contain notice of opportunity for a hearing pursuant to ss. 120.569 and 120.57, where a permittee may request a postsuspension hearing to show that continued operation by the permittee under his or her permit does not pose a threat to the public health and does not threaten to impair public confidence in the permittee. In accordance with applicable departmental rules, the department shall notify the permittee whether the order suspending the permit of the permittee will be rescinded or otherwise modified. The emergency order remains in effect, unless otherwise modified by the department, until the criminal charge is disposed of. The acquittal of the permittee charged, or the final, unappealed

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dismissal of all charges against the permittee, dissolves the
emergency order but does not prohibit the department from
instituting proceedings under paragraph (a). If a permittee
charged with a violation of ss. 499.0051 or 499.0052 is
convicted or pleads guilty or nolo contendere, whether or not an
adjudication of guilt is entered by the court, the emergency
order shall become final.

4. The department shall publish on its website a list of
all permittees against whom an emergency order or a permanent
order under this section is entered.

Section 3. Subsections (8), and (9) are added to section
499.067, Florida Statutes, to read:

499.067 Denial, suspension, or revocation of permit,
certification, or registration.--

(8) The department shall deny an application for a permit
for an establishment if the applicant, any person named pursuant
to s. 499.012(3)(k) in the applicant's application, or the
person designated pursuant to s. 499.012(11) by an applicant
have been convicted or plead guilty or nolo contendere, whether
or not an adjudication of guilt is entered by the court.

(9) The department shall revoke the permit of an
establishment if the permittee, any person named pursuant to s.
499.012(3)(k) in the permittee's application, or the person
designated pursuant to s. 499.012(11) by the permittee are
convicted or plead guilty or nolo contendere, whether or not an
adjudication of guilt is entered by the court.

Section 4. Paragraph (f) of subsection (6) of section
499.0121, Florida Statutes, is amended to read:

499.0121 Storage and handling of prescription drugs;
recordkeeping.--The department shall adopt rules to implement
this section as necessary to protect the public health, safety,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

and welfare. Such rules shall include, but not be limited to, requirements for the storage and handling of prescription drugs and for the establishment and maintenance of prescription drug distribution records.

(6) RECORDKEEPING.--The department shall adopt rules that require keeping such records of prescription drugs as are necessary for the protection of the public health.

(f)1. Effective July 1, 2006, each person who is engaged in the wholesale distribution of a prescription drug and who is not the manufacturer of that drug must, before each wholesale distribution of such drug, provide to the person who receives the drug a pedigree paper as defined in s. 499.003(31).

2. A repackager must comply with this paragraph.

3. The pedigree paper requirements in this paragraph do not apply to compressed medical gases or veterinary legend drugs.

4. Each wholesale distributor of prescription drugs must maintain separate and distinct from other required records all statements that are required under subparagraph 1.

5. In order to verify compliance with subparagraph (d)1., each manufacturer of a prescription drug sold in this state must make available upon request distribution documentation related to its sales of prescription drugs, regardless of whether the prescription drug was sold directly by the manufacturer to a person in Florida.

6. Subparagraph (f)1. of this subsection does not apply where a wholesale distributor takes title to, but not possession of, a prescription drug, and the prescription drug's manufacturer ships the prescription drug directly to a person authorized by law to administer or dispense prescription drugs

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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or a member of an affiliated group, as described in paragraph (h) of this subsection, with the exception of a repackager.

a. The wholesale distributor must send an invoice to the purchaser of the prescription drug that contains a clear cross-reference to the shipping document sent by the manufacturer to the purchaser of the prescription drug.

b. The purchaser of the prescription drug must obtain a shipping document from the manufacturer that contains, at a minimum:

(I) The name and address of the manufacturer, including the point of origin of the shipment; the wholesaler; and such purchaser;

(II) The name of the prescription drug as it appears on the label;

(III) The quantity, dosage form, and strength of the prescription drug; and

(IV) The date of the shipment.

The manufacturer must also make available to the department, upon request, the lot number of such drug if not contained in the shipping document received by such purchaser.

7. The department may by rule define alternatives to compliance with subparagraph (f)1. for a prescription drug in the inventory of a permitted prescription drug wholesaler as of June 30, 2006 and the return of a prescription drug purchased prior to July 1, 2006. The department may specify time limits for such alternatives.

Section 5. Subsection (29) of section 499.005, Florida Statutes, is amended to read:

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499.005 Prohibited acts.--It is unlawful for a person to perform or cause the performance of any of the following acts in this state:

(29) The receipt of a prescription drug pursuant to a wholesale distribution without either first receiving a pedigree paper that was attested to as accurate and complete by the wholesale distributor or complying with the provisions of s. 499.0121(6)(f)6.

===== T I T L E A M E N D M E N T =====

Remove line(s) 229-248 and insert:

An act relating to drug distribution; amending s. 499.003, F.S., amending a definition; requiring the department to create a form to conform to the changed definition; requiring the department to create a rule for the disposal of prescription drugs in inventory on June 30, 2006; requiring wholesalers to provide a list of inventory by a specified date; providing an expiration date; amending s. 499.0661, F.S., providing for emergency suspension of a permittee if convicted of specified violations; requiring the department to publish certain permittee names; amending s. 499.067, F.S., prohibiting issuance of permits to specified applicants; requiring revocation of permits of specified permittees; amending s. 499.0121, F.S.; requiring a wholesale distributor taking title to a prescription drug to provide a shipping document to the purchaser containing certain information; authorizing the department to adopt rules; amending s. 499.005; exempting a pharmacy,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

268 | hospital, or health care practitioner that purchases a
269 | prescription drug from the requirement to receive a
270 | pedigree paper under specified circumstances; amending

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: **Health & Families**
Council

Bill Number: **HB 715 CS**

Meeting Date: **4/20/06**

Date Received: _____

Place: **Reed Hall**

Date Reported: _____

Time: **2:45 pm**

Subject: **trauma service**

Council/Committee Action:

- ☐ Favorable
☐ Favorable w/ _____ amendments
☒ Favorable w/Council/Committee Substitute
☐ Other Action: _____

- ☐ Retained for Reconsideration
☐ Reconsidered
☐ Temporarily Postponed
☐ Unfavorable

Final Vote On Bill		MEMBERS	1							
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L
State Employee: SE
General Public: G
Requested to Speak: R
Proponent: P
Opponent: O
Information only: I

Amendment to HB 715 by Rep. Grimsley

The amendment continues the current moratorium on further licensing of freestanding emergency departments. Currently, the moratorium is scheduled to sunset July 1, 2006. The bill extends the moratorium until the Agency for Health Care Administration (AHCA) has enacted rules pertaining to free standing emergency departments. AHCA is directed to promulgate rules relating to patient care and safety, quality improvement, infection control, building design and construction, location, and patient transportation.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

Bill No. **HB 715**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION ☒ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Grimsley offered the following:
3

4 **Amendment (with directory and title amendments)**

5 On line 20 insert:
6

7 Section 1. Subsection (1) of section 395.003, Florida
8 Statutes, is amended to read:

9 395.003 Licensure; issuance, renewal, denial,
10 modification, suspension, and revocation.--

11 (1)(a) A person may not establish, conduct, or maintain a
12 hospital, ambulatory surgical center, or mobile surgical
13 facility in this state without first obtaining a license under
14 this part.

15 (b)1. It is unlawful for a person to use or advertise to
16 the public, in any way or by any medium whatsoever, any facility
17 as a "hospital," "ambulatory surgical center," or "mobile
18 surgical facility" unless such facility has first secured a
19 license under the provisions of this part.

20 2. This part does not apply to veterinary hospitals or to
21 commercial business establishments using the word "hospital,"

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

"ambulatory surgical center," or "mobile surgical facility" as a part of a trade name if no treatment of human beings is performed on the premises of such establishments.

3. ~~Until July 1, 2006,~~ Additional emergency departments located off the premises of licensed hospitals may not be authorized by the agency until the agency has adopted rules required under s. 395.1055(9).

Section 16. Subsection (9) is added to section 395.1055, Florida Statutes, to read:

395.1055 Rules and enforcement.--

(9) The agency shall adopt rules no later than January 1, 2007, which establish licensure standards for emergency departments located off the premises of a licensed hospital. The rules must:

(a) Include minimum criteria for patient care and safety, quality improvement, infection control, building design and construction, location, and appropriate transport of patients from the emergency department located off the premises consistent with chapter 401.

(b) Require the hospital to maintain an emergency department on its premises which is licensed and operated in accordance with agency rules.

(c) Specify that an emergency department located off the premises of a licensed hospital which was authorized prior to the adoption of rules shall continue to operate in accordance with the licensure criteria under which it was originally authorized.

===== T I T L E A M E N D M E N T =====

Remove line(s) 7 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

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An act relating to emergency care hospitals; amending
s. 395.003, F.S.; prohibiting licensing of additional
emergency departments located off the premises of
licensed hospitals until the Agency for Health Care
Administration adopts rules; amending s. 395.1055,
F.S.; requiring the agency to adopt rules by a
specified date to establish licensure standards for
emergency departments located off the premises of a
licensed hospital; requiring the rules to address
certain topics; amending s. 395.4001,

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House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: **Health & Families Council**

Bill Number: **HB 775CS**

Meeting Date: **4/20/06**

Date Received: _____

Place: **Red Hall**

Date Reported: _____

Time: **2:45 pm**

Subject: **psychologist specialties**

Council/Committee Action:

- ☐ Favorable
☐ Favorable w/ _____ amendments
☒ Favorable w/Council/Committee Substitute
☐ Other Action: _____

- ☐ Retained for Reconsideration
☐ Reconsidered
☐ Temporarily Postponed
☐ Unfavorable

Final Vote On Bill		MEMBERS	<i>Stark</i>		2		3			
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bean								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brandenburg	<i>W/D</i>		<i>W/D</i>		<i>W/D</i>			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Galvano	<i>W/D</i>		<i>W/D</i>		<i>W/D</i>			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Garcia	<i>W/D</i>							
<input checked="" type="checkbox"/>	<input type="checkbox"/>	H Gibson								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Harrell								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Homan								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Robaina								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sobel								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Vana								
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L Proponent: P
State Employee: SE Opponent: O
General Public: G Information only: I
Requested to Speak: R

Amendment to HB 775 CS by Rep. Roberson

Amends the criteria the Board of Psychology must use in promulgating administrative rules for the approval of organizations that provide specialty certification.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

Bill No. **HB 775 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Health & Families Council
Representative(s) Roberson offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 490.0149, Florida Statutes, is created
to read:

490.0149 Specialties.--

(1) As used in this section, the term "certified
psychology specialist," "board-certified psychology specialist,"
or "psychology diplomate" means a psychologist with recognized
special competency acquired through an organized sequence of
formal education, training, experience, and professional
standing that is recognized by a certifying body approved by the
board pursuant to subsection (3).

(2) A person licensed as a psychologist may not hold
himself or herself out as a "certified psychology specialist,"
"board-certified psychology specialist" or "psychology
diplomate" unless the person has received formal recognition
from an approved certifying body.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

(3) The board shall adopt rules to establish criteria for approval of certifying bodies which provide certified specialties in psychology as provided in subsection (1). The criteria shall include that the certifying body:

(a) Be national in scope, incorporate standards of the profession and collaborate closely with organizations related to specialization in psychology.

(b) Have clearly described purposes, by-laws, policies, and procedures.

(c) Have established standards for specialized practice of psychology.

(d) Provide assessments that include the development and implementation of an examination designed to measure the competencies required to provide services that are characteristic of the specialty area.

(4) A person licensed as a psychologist under this chapter may indicate the services he or she offers and may indicate that his or her practice is limited to one or more types of services when this accurately reflects his or her scope of practice.

Section 2. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to psychologist specialties; creating s. 490.0149, F.S.; providing a definition; specifying the circumstances under which a psychologist may hold himself or herself out as a certified psychology specialist or psychology diplomate; requiring the Board of Psychology to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

53 adopt rules to establish specified criteria for the
54 approval of certifying bodies; specifying that a person
55 licensed under ch. 490, F.S., may specify the types of
56 services he or she provides; providing an effective date.

Amendment to the Amendment to HB 775 CS by Rep. Benson

Provides that an osteopathic physician may not hold himself or herself out as a board-certified specialist in a particular area unless they have completed an American Osteopathic Association (AOA) or Accreditation Council for Graduate Medical Education (ACGME) approved residency or fellowship program in the same specialty area.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

Bill No. **HB 775 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION _____ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN ✓ (Y/N)

OTHER _____

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Benson offered the following:

3 ~~#1~~
4 **Amendment to the Amendment (with directory and title**
5 **amendments)**

6 Between line(s) 6-7 insert:

7
8 Section 1. Section 459.0152, Florida Statutes, is amended
9 to read:

10 459.0152 Specialties.--An osteopathic physician licensed
11 under this chapter may not hold himself or herself out as a
12 board-certified specialist unless the osteopathic physician has
13 successfully completed the requirements for certification by the
14 American Osteopathic Association or the Accreditation Council on
15 Graduate Medical Education and is certified as a specialist by a
16 certifying agency approved by the board that requires completion
17 of an American Osteopathic Association (AOA) or an Accreditation
18 Council for Graduate Medical Education (ACGME) approved
19 residency or fellowship training program in the specialty of
20 certification. However, an osteopathic physician may indicate
21 the services offered and may state that his or her practice is

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

limited to one or more types of services when this accurately
reflects the scope of practice of the osteopathic physician.

===== T I T L E A M E N D M E N T =====

Remove line(s) 48 and insert:

An act relating to health care practitioner specialty
certification; amending s. 459.0152, F.S.; providing
requirements for certain agencies that provide physician
specialty certification; creating s.

Amendment to the Amendment to HB 775 CS by Rep. Benson

Provides that an allopathic physician may not hold himself or herself out as a board-certified specialist in a particular area unless they have completed an Accreditation Council for Graduate Medical Education (ACGME) approved residency or fellowship program in the same specialty area.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

Bill No. **HB 775 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN 1 (Y/N)
OTHER _____

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Benson offered the following:

3 #2
4 **Amendment to the Amendment (with directory and title**
5 **amendments)**

6 Between line(s) 6-7 insert:

7
8 Section 1. Section 458.3312, Florida Statutes, is amended
9 to read:

10 458.3312 Specialties.--A physician licensed under this
11 chapter may not hold himself or herself out as a board-certified
12 specialist unless the physician has received formal recognition
13 as a specialist from a specialty board of the American Board of
14 Medical Specialties or other recognizing agency approved by the
15 board that requires completion of an Accreditation Council for
16 Graduate Medical Education (ACGME) approved residency or
17 fellowship training program in the specialty of certification.

18 However, a physician may indicate the services offered and may
19 state that his or her practice is limited to one or more types
20 of services when this accurately reflects the scope of practice
21 of the physician.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

===== T I T L E A M E N D M E N T =====

Remove line(s) 48 and insert:

An act relating to health care practitioner specialty
certification; amending s. 458.3312, F.S.; providing
requirements for certain agencies that provide physician
specialty certification; creating s.

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House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: **Health & Families**

Bill Number: HB 819 CS

Meeting Date: 4/20/06

Date Received: _____

Place: Reed Hall

Date Reported: _____

Time: 2:45 pm

Subject: radiologist assistants

Council/Committee Action:

- ☒ Favorable
☐ Favorable w/ _____ amendments
☐ Favorable w/Council/Committee Substitute
☐ Other Action: _____

- ☐ Retained for Reconsideration
☐ Reconsidered
☐ Temporarily Postponed
☐ Unfavorable

Final Vote On Bill		MEMBERS								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		H Gibson								
<input type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L Proponent: P
State Employee: SE Opponent: O
General Public: G Information only: I
Requested to Speak: R

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 1033CS

Meeting Date: 4/20/06

Date Received: _____

Place: Red Hall

Date Reported: _____

Time: 2:45 pm

Subject: child abuse

Council/Committee Action:

- ☐ Favorable
☐ Favorable w/ _____ amendments
☒ Favorable w/Council/Committee Substitute
☐ Other Action: _____

- ☐ Retained for Reconsideration
☐ Reconsidered
☐ Temporarily Postponed
☐ Unfavorable

Final Vote On Bill		MEMBERS	<i>Struck all</i>							
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Brandenburg	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Galvano	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Garcia	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		H Gibson	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

*Speaker Codes

Lobbyist: L Proponent: P
State Employee: SE Opponent: O
General Public: G Information only: I
Requested to Speak: R

Strike Everything Amendment to HB 1033 by Rep. Vana

The amendment does the following:

- Requires OPPAGA to evaluate the continuing education requirements related to identifying victims of child abuse required for those individuals in the occupational categories that are required to provide their names to child abuse hotline staff when reporting known or suspected child abuse, neglect, or abandonment; and
- Based on the findings of that study, requires the Department of Health to make available a child abuse education curriculum to specified professionals.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.1

HB 1033

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Health and Families Council
2 Representative Vana offered the following:

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. The Office of Program Policy Analysis and
7 Government Accountability shall evaluate the continuing
8 education requirements related to identifying victims of child
9 abuse required for those individuals in the occupational
10 categories that are required to provide their names to child
11 abuse hotline staff when reporting known or suspected child
12 abuse, neglect, or abandonment. The evaluation shall include,
13 but not be limited to, an assessment of compliance by profession
14 or occupation, whether the training is statutorily required or
15 required as a condition for re-licensure, re-certification, or
16 continued employment, and the efficacy of such training. A
17 report shall be submitted to the Governor, the President of the
18 Senate, and the Speaker of the House of Representatives by
19 December 31, 2006.

20 Section 2. Based on the findings of the Office of Program
21 Policy Analysis and Government Accountability's report, the
22 Florida Department of Health Children's Medical Services

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.1

Division of Prevention and Intervention will make available an appropriate child abuse education curriculum to professional reporters pursuant to 39.201(b).

Section 3. This act shall take effect on July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

An act relating to child abuse; requiring the Office of Program Policy Analysis and Government Accountability to evaluate compliance with continuing education requirements for professionals required to provide their names when reporting child abuse, neglect, or abandonment; providing for a report to the Governor and Legislature; requiring the Department of Health to make available a curriculum; providing an effective date.

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number:

HB 1093C5

Meeting Date: 4/20/06

Date Received:

Place: Reed Hall

Date Reported:

Time: 2:45 PM

Subject:

physicians

Council/Committee Action:

- | | |
|--|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	1		2					
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

*Speaker Codes

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

Amendment to HB 1093 CS by Rep. Kreegel

Removes the language and associated cross-references that provide *specific* statutory authority allowing physicians to submit their credentials to the Federation Credentials Verification Service of the Federation of State Medical Boards or submit their core credentials to the Department of Health.

These two options are currently available to physicians seeking licensure in Florida.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

Bill No. 1093 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>1</u> (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Council/Committee hearing bill: Health and Families Council
Representative(s) Kreegel offered the following:

Amendment (with directory and title amendments)

Remove line(s) 37-220

===== T I T L E A M E N D M E N T =====

Remove line(s) 11-15 and insert:

osteopathic physicians in the state; requiring the division

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Amendment to HB 1093 CS by Rep. Benson

Adds language that will require the Division of Health Access and Tobacco to develop a strategy to track and analyze specific data on medical education and its relationship to the physician workforce in Florida.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. ____ (for drafter's use only)

Bill No. **HB 1093 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION ✓ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

Council/Committee hearing bill: Health and Families Council
Representative(s) Benson offered the following:

Amendment (with directory and title amendments)

Remove line(s) 33 and insert:

are available from public and private sources. The division
shall develop a strategy to track and analyze on an ongoing
basis the relationship of undergraduate and graduate medical
education to the state's physician workforce, the number of
medical students and medical residents in Florida, the number of
medical students and medical residents who are considered in-
state residents, the number of Florida medical students who are
placed in Florida-based residency programs, the number of
physicians who complete their residency in Florida and continue
to practice in Florida. For the purpose of tracking and
analyzing medical education the division shall use data that are
available from public and private sources, such as the
Accreditation Council for Graduate Medical Education (ACGME) or
American Osteopathic Association (AOA). The division

===== T I T L E A M E N D M E N T =====

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. ____ (for drafter's use only)

22 Remove line(s) 11 and insert:
23 osteopathic physicians and medical education in the state;
24 amending ss.458.311

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House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 1231 CS

Meeting Date: 4/20/06

Date Received: _____

Place: Reed Hall

Date Reported: _____

Time: 2:45 pm

Subject: Child care

Council/Committee Action:

- | | |
|--|--|
| <input type="checkbox"/> Favorable
<input type="checkbox"/> Favorable w/ _____ amendments
<input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute
<input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Retained for Reconsideration
<input type="checkbox"/> Reconsidered
<input type="checkbox"/> Temporarily Postponed
<input type="checkbox"/> Unfavorable |
|--|--|

Final Vote On Bill		MEMBERS								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Galvano	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Garcia	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		H Gibson	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L State Employee: SE General Public: G Requested to Speak: R	Proponent: P Opponent: O Information only: I
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Amendment to HB 1231 by Rep. Ausley

The amendment removes the requirement that the agency shall contract for services and makes it permissive by authorizing the agency to contract for the administration of the TEACH scholarship program.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 1231**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION ☒ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

Council/Committee hearing bill: Health & Families Council
Representative(s) Ausley offered the following:

Amendment

Remove line(s) 67-68 and insert:

(2) The Agency for Workforce Innovation ~~Department of~~
~~Children and Family Services~~ is authorized to contract for

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House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 1247 CS

Meeting Date: 4/20/06

Date Received: _____

Place: Reed Hall

Date Reported: _____

Time: 2:45 pm

Subject: developmental disabilities

Council/Committee Action:

- ☒ Favorable
☐ Favorable w/ _____ amendments
☐ Favorable w/Council/Committee Substitute
☐ Other Action: _____

- ☐ Retained for Reconsideration
☐ Reconsidered
☐ Temporarily Postponed
☐ Unfavorable

Final Vote On Bill		MEMBERS								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Bean								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Brandenburg								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Galvano								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Garcia								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	H Gibson								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Harrell								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Homan								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Robaina								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Sobel								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Vana								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L
State Employee: SE
General Public: G
Requested to Speak: R

Proponent: P
Opponent: O
Information only: I

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 1319 CS

Meeting Date: 4/20/06

Date Received: _____

Place: Red Hall

Date Reported: _____

Time: 2:45 pm

Subject: Certification of swimming instructors

Council/Committee Action:

- ☐ Favorable
☐ Favorable w/ _____ amendments
☒ Favorable w/Council/Committee Substitute
☐ Other Action: _____

- ☐ Retained for Reconsideration
☐ Reconsidered
☐ Temporarily Postponed
☐ Unfavorable

Final Vote On Bill		MEMBERS								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Brandenburg	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Galvano	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Garcia	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		H Gibson	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Harrell	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Homan	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Robaina	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Sobel	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Vana	<input checked="" type="checkbox"/>							
<input checked="" type="checkbox"/>		Benson, Chair	<input checked="" type="checkbox"/>							
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
8	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L
State Employee: SE
General Public: G
Requested to Speak: R
Proponent: P
Opponent: O
Information only: I

Amendment to HB 1319 CS by Rep. Benson

- This amendment removes an exemption in which public pool “operators” do not need to be certified as public pool service technicians.
 - Currently, all pool service technicians must be certified. Public pool “operators” are exempt from this. This amendment removes the exemption.
-

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

Bill No. **HB 1319 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION ☒ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

Council/Committee hearing bill: Health & Families Council
Representative(s) Benson offered the following:

Amendment (with directory and title amendments)

Between line(s) 37-38 insert:

Section 2. Section 514.075, Florida Statutes, is amended
to read:

514.075 Public pool service technician; certification.--
The department may require that a public pool, as defined in s.
514.011, be serviced by a person certified as a pool service
technician. To be certified, an individual must demonstrate ./412
knowledge of public pools which includes, but is not limited to:
pool cleaning; general pool maintenance; source of the water
supply; bacteriological, chemical, and physical quality of
water; and water purification, testing, treatment, and
disinfection procedures. The department may, by rule, establish
the requirement for the certification course and course
approval. The department shall deem certified any individual
who is certified by a course of national recognition or any
person licensed under s. 489.105(3)(j), (k), or (l). ~~This~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

~~requirement does not apply to a person, or the direct employee
of a person, permitted as a public pool operator under s.
514.031.~~

===== T I T L E A M E N D M E N T =====

Remove line(s) 7-15 and insert:

An act relating to public swimming facilities; creating s.
514.072, F.S.; requiring additional certification of
swimming instructors specializing in training people who
have developmental disabilities; requiring the Dan Marino
Foundation, Inc., to develop certification requirements
and a training curriculum and to submit the certification
requirements to the Department of Health for review;
providing deadlines for certification; amending s.
514.075, F.S.; deleting an exception to the requirement
that a public pool be serviced by a certified technician;
providing a contingent effective date.

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House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council
 Meeting Date: 4/20/06
 Place: Reed Hall
 Time: 2:45 pm

Bill Number: HB 1327 CS
 Date Received: _____
 Date Reported: _____
 Subject: transition services for
adolescents and young adults with
disabilities

Council/Committee Action:

- ☒ Favorable
☐ Favorable w/ _____ amendments
☐ Favorable w/Council/Committee Substitute
☐ Other Action: _____

- ☐ Retained for Reconsideration
☐ Reconsidered
☐ Temporarily Postponed
☐ Unfavorable

Final Vote On Bill		MEMBERS								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
7	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

*Speaker Codes

Lobbyist: L Proponent: P
 State Employee: SE Opponent: O
 General Public: G Information only: I
 Requested to Speak: R

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 1365 CS

Meeting Date: 4/20/06

Date Received: _____

Place: Reed Hall

Date Reported: _____

Time: 2:45 pm

Subject: Fl Healthy Kids

Comp Act

Council/Committee Action:

- ☐ Favorable
☐ Favorable w/ _____ amendments
☒ Favorable w/Council/Committee Substitute
☐ Other Action: _____

- ☐ Retained for Reconsideration
☐ Reconsidered _____
☐ Temporarily Postponed
☐ Unfavorable

Final Vote On Bill		MEMBERS	<i>Styke</i>							
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
9	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

*Speaker Codes

Lobbyist: L Proponent: P
State Employee: SE Opponent: O
General Public: G Information only: I
Requested to Speak: R

Strike All Amendment for HB 1365 CS by Rep. M.Davis

- Allows a child whose family income exceeds 200 percent of the federal poverty level to participate in the Medikids program, which serves children age 1-4, or if the child is ineligible for the Medikids program due to age to participate in the Florida Healthy Kids program, if the family pays the entire cost of the premium, including administrative costs, and such enrollees do not exceed 10 percent of total enrollees in either the Medikids program or the Florida Healthy Kids program.

- Clarifies that twelve months of continuous eligibility applies even when children are switching from one component of the KidCare program to another. This will allow for seamless transitions from Medicaid to Medikids, Healthy Kids, and Children's Medical Services, for example, as long as the family continues to pay the applicable premium.
- Directs the Department of Children and Families to provide specific information to the Healthy Kids Corporation when they are transferring files on children who have lost their Medicaid coverage due to income. This is necessary to facilitate continuous eligibility when changing program components.
- Provides that an enrollee's parent or legal guardian can obtain confirmation of coverage and dates of coverage from the KidCare program.
- This is a technical change transferring the section from allowing participating health and dental plans to develop marketing and other promotional materials and allowing them to contact their enrollees and former enrollees to encourage continued participation in the Florida KidCare program from the Medicaid section of the Florida KidCare program to the Healthy Kids section of the Florida program.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 1365 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

Council/Committee hearing bill: Health and Families Council
Representative(s) M. Davis offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsections (5) and (6) of section 409.814,
Florida Statutes, are amended to read:

409.814 Eligibility.--A child who has not reached 19 years
of age whose family income is equal to or below 200 percent of
the federal poverty level is eligible for the Florida KidCare
program as provided in this section. For enrollment in the
Children's Medical Services Network, a complete application
includes the medical or behavioral health screening. If,
subsequently, an individual is determined to be ineligible for
coverage, he or she must immediately be disenrolled from the
respective Florida KidCare program component.

(5) A child whose family income is above 200 percent of
the federal poverty level or a child who is excluded under the
provisions of subsection (4) may participate in the Medikids
program as provided in s. 409.8132 or, if the child is
ineligible for Medikids by reason of age, in the Florida Healthy

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 ~~Kids program Florida KidCare program, excluding the Medicaid~~
23 ~~program, but is~~ subject to the following provisions:

24 (a) The family is not eligible for premium assistance
25 payments and must pay the full cost of the premium, including
26 any administrative costs.

27 (b) The agency is authorized to place limits on enrollment
28 in Medikids by these children in order to avoid adverse
29 selection. The number of children participating in Medikids
30 whose family income exceeds 200 percent of the federal poverty
31 level must not exceed 10 percent of total enrollees in the
32 Medikids program.

33 (c) The board of directors of the Florida Healthy Kids
34 Corporation is authorized to place limits on enrollment of these
35 children in order to avoid adverse selection. In addition, the
36 board is authorized to offer a reduced benefit package to these
37 children in order to limit program costs for such families. The
38 number of children participating in the Florida Healthy Kids
39 program whose family income exceeds 200 percent of the federal
40 poverty level must not exceed 10 percent of total enrollees in
41 the Florida Healthy Kids program.

42 (d) Children described in this subsection are not counted
43 in the annual enrollment ceiling for the Florida KidCare
44 program.

45 (6) Once a child is enrolled in the Florida KidCare
46 program, the child is eligible for coverage under the program
47 for 12 months without a redetermination or reverification of
48 eligibility even when switching from one component of the
49 program to another, if the family continues to pay the
50 applicable premium. Eligibility for program components funded
51 through Title XXI of the Social Security Act shall terminate
52 when a child attains the age of 19. Effective January 1, 1999, a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

53 child who has not attained the age of 5 and who has been
54 determined eligible for the Medicaid program is eligible for
55 coverage for 12 months without a redetermination or
56 reverification of eligibility.

57 Section 2. Paragraph (a) of subsection (1) of section
58 409.818, Florida Statutes, is amended to read:

59 409.818 Administration.--In order to implement ss.409.810-
60 409.820, the following agencies shall have the following duties:

61 (1) The Department of Children and Family Services shall:

62 (a) Develop a simplified eligibility application process,
63 including the use of mail-in forms and electronic information
64 intake methods, ~~mail-in form~~ to be used for determining the
65 eligibility of children for coverage under the Florida KidCare
66 program, in consultation with the agency, the Department of
67 Health, and the Florida Healthy Kids Corporation. The simplified
68 eligibility application process ~~form~~ must include an item that
69 provides an opportunity for the applicant to indicate whether
70 coverage is being sought for a child with special health care
71 needs. Families applying for children's Medicaid coverage must
72 also be able to use the simplified application form without
73 having to pay a premium. When a child is found ineligible due to
74 income for Medicaid, the department shall forward all of the
75 child's information, including the date that he/she was enrolled
76 in the Medicaid program and the income level of the family when
77 he/she was determined to be ineligible due to income, to the
78 Healthy Kids Corporation. The child's information shall be
79 processed for enrollment in another KidCare program component
80 without requiring an additional KidCare application.

81 Section 3. Section 409.821, Florida Statutes, is amended
82 to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

409.821 Florida KidCare program public records exemption.--Notwithstanding any other law to the contrary, any information identifying a Florida KidCare program applicant or enrollee, as defined in s. 409.811, held by the Agency for Health Care Administration, the Department of Children and Family Services, the Department of Health, or the Florida Healthy Kids Corporation is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information may be disclosed to another governmental entity only if disclosure is necessary for the entity to perform its duties and responsibilities under the Florida KidCare program and shall be disclosed to the Department of Revenue for purposes of administering the state Title IV-D program. The receiving governmental entity must maintain the confidential and exempt status of such information. Furthermore, such information may not be released to any person without the written consent of the program applicant. This exemption applies to any information identifying a Florida KidCare program applicant or enrollee held by the Agency for Health Care Administration, the Department of Children and Family Services, the Department of Health, or the Florida Healthy Kids Corporation before, on, or after the effective date of this exemption. A violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. This section does not prohibit an enrollee's parent or legal guardian from obtaining confirmation of coverage and dates of coverage.

Section 4. Subsection (5) of section 624.91, Florida Statutes, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.--

(5) CORPORATION AUTHORIZATION, DUTIES, PROMOTION, POWERS.-

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

114 (a) There is created the Florida Healthy Kids Corporation,
115 a not-for-profit corporation.

116 (b) The Florida Healthy Kids Corporation shall:

117 1. Arrange for the collection of any family, local
118 contributions, or employer payment or premium, in an amount to
119 be determined by the board of directors, to provide for payment
120 of premiums for comprehensive insurance coverage and for the
121 actual or estimated administrative expenses.

122 2. Arrange for the collection of any voluntary
123 contributions to provide for payment of premiums for children
124 who are not eligible for medical assistance under Title XXI of
125 the Social Security Act. Each fiscal year, the corporation shall
126 establish a local match policy for the enrollment of non-Title
127 XXI-eligible children in the Healthy Kids program. By May 1 of
128 each year, the corporation shall provide written notification of
129 the amount to be remitted to the corporation for the following
130 fiscal year under that policy. Local match sources may include,
131 but are not limited to, funds provided by municipalities,
132 counties, school boards, hospitals, health care providers,
133 charitable organizations, special taxing districts, and private
134 organizations. The minimum local match cash contributions
135 required each fiscal year and local match credits shall be
136 determined by the General Appropriations Act. The corporation
137 shall calculate a county's local match rate based upon that
138 county's percentage of the state's total non-Title-XXI
139 expenditures as reported in the corporation's most recently
140 audited financial statement. In awarding the local match
141 credits, the corporation may consider factors including, but not
142 limited to, population density, per capita income, and existing
143 child-health-related expenditures and services.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

144 3. Subject to the provisions of s. 409.8134, accept
145 voluntary supplemental local match contributions that comply
146 with the requirements of Title XXI of the Social Security Act
147 for the purpose of providing additional coverage in contributing
148 counties under Title XXI.

149 4. Establish the administrative and accounting procedures
150 for the operation of the corporation.

151 5. Establish, with consultation from appropriate
152 professional organizations, standards for preventive health
153 services and providers and comprehensive insurance benefits
154 appropriate to children, provided that the ~~such~~ standards for
155 rural areas do ~~shall~~ not limit primary care providers to board-
156 certified pediatricians.

157 6. Determine eligibility for children seeking to
158 participate in the Title XXI-funded components of the Florida
159 KidCare program consistent with the requirements specified in s.
160 409.814, as well as the non-Title-XXI-eligible children as
161 provided in subsection (3).

162 7. Establish procedures under which providers of local
163 match to, applicants to and participants in the program may have
164 grievances reviewed by an impartial body and reported to the
165 board of directors of the corporation.

166 8. Establish participation criteria and, if appropriate,
167 contract with an authorized insurer, health maintenance
168 organization, or third-party administrator to provide
169 administrative services to the corporation.

170 9. Establish enrollment criteria that ~~which shall~~ include
171 penalties or waiting periods of not fewer than 60 days for
172 reinstatement of coverage upon voluntary cancellation for
173 nonpayment of family premiums.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

174 10. Contract with authorized insurers or any provider of
175 health care services, meeting standards established by the
176 corporation, for the provision of comprehensive insurance
177 coverage to participants. Such standards shall include criteria
178 under which the corporation may contract with more than one
179 provider of health care services in program sites. Health plans
180 shall be selected through a competitive bid process. The Florida
181 Healthy Kids Corporation shall purchase goods and services in
182 the most cost-effective manner consistent with the delivery of
183 quality medical care. The maximum administrative cost for a
184 Florida Healthy Kids Corporation contract shall be 15 percent.
185 For health care contracts, the minimum medical loss ratio for a
186 Florida Healthy Kids Corporation contract shall be 85 percent.
187 For dental contracts, the remaining compensation to be paid to
188 the authorized insurer or provider under a Florida Healthy Kids
189 Corporation contract shall be no less than an amount which is 85
190 percent of premium; to the extent any contract provision does
191 not provide for this minimum compensation, this section shall
192 prevail. The health plan selection criteria and scoring system,
193 and the scoring results, shall be available upon request for
194 inspection after the bids have been awarded.

195 11. Establish disenrollment criteria in the event local
196 matching funds are insufficient to cover enrollments.

197 12. Develop and implement a plan to publicize the Florida
198 Healthy Kids Corporation, the eligibility requirements of the
199 program, and the procedures for enrollment in the program and to
200 maintain public awareness of the corporation and the program.
201 Participating health and dental plans may develop marketing and
202 other promotional materials and participate in activities, such
203 as health fairs and public events, as approved by the
204 corporation. The health and dental plans may also contact their

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

205 enrollees and former enrollees to encourage continued
206 participation in the plan.

207 13. Secure staff necessary to properly administer the
208 corporation. Staff costs shall be funded from state and local
209 matching funds and such other private or public funds as become
210 available. The board of directors shall determine the number of
211 ~~staff members necessary to administer the corporation.~~

212 14. Provide a report annually to the Governor, Chief
213 Financial Officer, Commissioner of Education, Senate President,
214 Speaker of the House of Representatives, and Minority Leaders of
215 the Senate and the House of Representatives.

216 15. Establish benefit packages which conform to the
217 provisions of the Florida KidCare program, as created in ss.
218 409.810-409.820.

219 (c) Coverage under the corporation's program is secondary
220 to any other available private coverage held by, or applicable
221 to, the participant child or family member. Insurers under
222 contract with the corporation are the payors of last resort and
223 must coordinate benefits with any other third-party payor that
224 may be liable for the participant's medical care.

225 (d) The Florida Healthy Kids Corporation shall be a
226 private corporation not for profit, organized under ~~pursuant~~ to
227 chapter 617, and shall have all powers necessary to carry out
228 the purposes of this act, including, but not limited to, the
229 power to receive and accept grants, loans, or advances of funds
230 from any public or private agency and to receive and accept from
231 any source contributions of money, property, labor, or any other
232 thing of value, to be held, used, and applied for the purposes
233 of this section ~~act~~.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

235 Section 5. The Agency for Health Care Administration shall
236 begin enrollment under s. 409.814(5), Florida Statutes, as
237 amended by this act, by July 1, 2006.

238 Section 6. This act shall take effect July 1, 2006.
239 -----

241 **Title Amendment**

242 Remove the entire title and insert:

243 A bill to be entitled

244 An act relating to the Florida KidCare program; amending
245 s. 409.814, F.S.; specifying that 12 months of continuous
246 eligibility includes changes between program components;
247 providing for certain children who are ineligible to
248 participate in the Florida KidCare program to be eligible
249 for the Medikids program or the Florida Healthy Kids
250 program; amending s. 409.818, F.S.; providing for the
251 administration of the eligibility application process;
252 amending s. 409.821, F.S., relating to a public records
253 exemption; specifying that such provision does not
254 prohibit an enrollee's parent or legal guardian from
255 obtaining confirmation of coverage and dates of coverage;
256 amending s. 624.91, F.S.; authorizing participating health
257 and dental plans to develop marketing and other
258 promotional materials and to participate in activities to
259 promote the Florida KidCare program; providing an
260 effective date.

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 1409 CS

Meeting Date: 4/20/06

Date Received: _____

Place: Reed Hall

Date Reported: _____

Time: 2:45 pm

Subject: Fl Health Information Network, Inc.

Council/Committee Action:

- ☐ Favorable
☒ Favorable w/ _____ amendments
☒ Favorable w/Council/Committee Substitute
☐ Other Action: _____

- ☐ Retained for Reconsideration
☐ Reconsidered
☐ Temporarily Postponed
☐ Unfavorable

Final Vote On Bill		MEMBERS								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L
State Employee: SE
General Public: G
Requested to Speak: R

Proponent: P
Opponent: O
Information only: I

Amendment to HB 1409 CS by Rep. Benson

Provides for funding for the Florida Health Information Network, Inc.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1409

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION ☒ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

Council/Committee hearing bill: Health & Families Council
Representative(s) Benson offered the following:

Amendment (with directory and title amendments)

Remove line(s) 165-168 and insert:

Section 2. The Florida Health Information Network, Inc.,
may be funded through the General Appropriations Act and may
seek funding through public and private entities to accomplish
its goals and duties. Appropriations for the Agency for Health
Care Administration's Florida Health Information Network, Inc.,
grants program shall not be used to fund the Florida Health
Information Network, Inc.

Section 3. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove line(s) 17 and 18 and insert:

report to the Governor and Legislature; providing conditions for
funding of the network; providing an effective date.

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House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 1451 C5

Meeting Date: 4/20/06

Date Received: _____

Place: Reed Hall

Date Reported: _____

Time: 2:45 pm

Subject: public records

Council/Committee Action:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: **Health & Families**
Council

Bill Number: HB 7139 C5

Meeting Date: 4/20/06

Date Received: _____

Place: Red Hall

Date Reported: _____

Time: 2:45 pm

Subject: emergency management

Council/Committee Action:

- | | |
|--|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	<i>Strike off amendment</i>							
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
8	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

Strike all amendment on HB 7139 CS by Rep. Harrell

- The bill expands communication and outreach efforts regarding special needs registration.
- Designates the Dept. of Community Affairs as the lead agency responsible for community education and outreach regarding special needs clients, registration and shelter information.
- Provides that persons with special needs shall be allowed to bring service animals into the special needs shelter.
- Directs the Division of Emergency Management to address strategies to evacuate persons with pets. Information regarding evacuating with pets and pet shelter availability will be included in the state comprehensive emergency management plan.
- Designates Children's Medical Services as the lead agency to coordinate local medical and health care providers for the staffing and management of pediatric special needs shelters.
- Provides that AHCA monitor nursing homes and assisted living facilities during emergencies to provide assistance and that the agency publish an emergency telephone number for facilities to use.
- Encourages local health departments and emergency management agencies to coordinate efforts to ensure appropriate staffing and special needs shelter operations.
- Establishes a multi-agency emergency special needs shelter discharge planning team and designates the Department of Elder Affairs to convene this team as necessary to assist local areas impacted by an emergency.
- Provides a mechanism for reimbursement to health care facilities that care for persons discharged from special needs shelters and also provides protection against duplication of reimbursements to receiving facilities.
- Clarifies the role of the Special Needs Shelter Interagency Committee and adds the Florida Association of Aging Services Providers, AARP and the Florida Renal Coalition to the committees' membership.
- Provides rule making authority to the Department of Health.
- Encourages home health agencies, nurse registries, hospices and home medical equipment providers to provide continuity of care to their special needs patients.

- Provides increased comprehensive emergency management plan reviews and provides great accountability within these reviews.
- Includes the Governor's emergency preparedness shelter enhancements regarding providing permanent emergency power generators in special needs shelters and retrofitting public hurricane evacuation shelters.

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Bill No. HB 7139 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (X/N)
ADOPTED W/O OBJECTION	✓ (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Harrell offered the following:
3

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 252.355, Florida Statutes, is amended
7 to read:

8 252.355 Registry of persons with special needs; notice.--

9 (1) In order to meet the special needs of persons who
10 would need assistance during evacuations and sheltering because
11 of physical, mental, cognitive impairment, or sensory
12 disabilities, each local emergency management agency in the
13 state shall maintain a registry of persons with special needs
14 located within the jurisdiction of the local agency. The
15 registration shall identify those persons in need of assistance
16 and plan for resource allocation to meet those identified needs.
17 To assist the local emergency management agency in identifying
18 such persons, home health agencies, hospices, nurse registries,
19 home medical equipment providers, the Department of Children and
20 Family Services, the Department of Health, the Agency for Health
21 Care Administration, the Department of Education, Agency for
22 Persons with Disabilities, ~~Department of Labor and Employment~~

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32 ~~Security~~, and the Department of Elderly Affairs shall provide
33 registration information to all of their special needs clients
34 and to all people with special needs who receive services
35 ~~incoming clients as a part of the intake process~~. The registry
36 shall be updated annually. The registration program shall give
37 persons with special needs the option of preauthorizing
38 emergency response personnel to enter their homes during search
39 and rescue operations if necessary to assure their safety and
40 welfare following disasters.

41 (2) The Department of Community Affairs shall be the
42 designated lead agency responsible for community education and
43 outreach to the general public, including special needs clients,
44 regarding registration and special needs shelters and general
45 information regarding shelter stays.

46 (3) A person with special needs shall be allowed to bring
47 his or her service animal into a special needs shelter in
48 accordance with s. 413.08.

49 (4)-(2) On or before May 1 of each year each electric
50 utility in the state shall annually notify residential customers
51 in its service area of the availability of the registration
52 program available through their local emergency management
53 agency with either:.

(a) An initial notification upon the activation of new
residential service with the electric utility followed by one
annual notification between January 1 and May 31; or

(b) Two separate annual notifications between January 1
and May 31.

The notification required under this subsection may be made by
any available means, including, but not limited to, written,
electronic, or verbal notification, and may be made concurrently

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54 with any other notification to residential customers required by
55 law or rule.

56 (5)(3) All records, data, information, correspondence, and
57 communications relating to the registration of persons with
58 special needs as provided in subsection (1) are confidential and
59 exempt from the provisions of s. 119.07(1), except that such
60 information shall be available to other emergency response

61 agencies, as determined by the local emergency management
62 director. Local law enforcement agencies shall be provided
63 complete shelter roster information upon request.

64 (6)(4) All appropriate agencies and community-based
65 service providers, including home health care providers,
66 hospices, nurse registries, and home medical equipment
67 providers, shall assist emergency management agencies by
68 collecting registration information for persons with special
69 needs as part of program intake processes, establishing programs
70 to increase the awareness of the registration process, and
71 educating clients about the procedures that may be necessary for
72 their safety during disasters. Clients of state or federally
73 funded service programs with physical, mental, cognitive
74 impairment, or sensory disabilities who need assistance in
75 evacuating, or when in shelters, must register as persons with
76 special needs.

77 Section 2. Section 252.3568, Florida Statutes, is created
78 to read:

79 252.3568 Emergency sheltering of persons with pets.--In
80 accordance with the provisions of s. 252.35, the division shall
81 address strategies for the evacuation of persons with pets in
82 the shelter component of the state comprehensive emergency
83 management plan and shall include the requirement for similar
84 strategies in its standards and requirements for local

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comprehensive emergency management plans. The Department of Agriculture and Consumer Services shall assist the division in determining strategies regarding this activity.

Section 3. Section 252.357, Florida Statutes, is created to read:

252.357 Monitoring of nursing homes and assisted living facilities during disaster.--The Florida Comprehensive Emergency Management Plan shall permit the Agency for Health Care Administration, working from the agency's offices or in the Emergency Operations Center, ESF-8, to make initial contact with each nursing home and assisted living facility in the disaster area. The agency, by July 15, 2006, and annually thereafter, shall publish on the Internet an emergency telephone number that may be used by nursing homes and assisted living facilities to contact the agency on a schedule established by the agency to report requests for assistance. The agency may also provide the telephone number to each facility when it makes the initial facility call.

Section 4. Subsection (2) and paragraphs (a) and (b) of subsection (4) of section 252.385, Florida Statutes, are amended to read:

252.385 Public shelter space.--

(2)(a) The division shall administer a program to survey existing schools, universities, community colleges, and other state-owned, municipally owned, and county-owned public buildings and any private facility that the owner, in writing, agrees to provide for use as a public hurricane evacuation shelter to identify those that are appropriately designed and located to serve as such shelters. The owners of the facilities must be given the opportunity to participate in the surveys. The State University Boards of Trustees ~~Board of Regents~~, district

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116 school boards, community college boards of trustees, and the
117 Department of Education are responsible for coordinating and
118 implementing the survey of public schools, universities, and
119 community colleges with the division or the local emergency
120 management agency.

121 (b) By January 31 of each even-numbered year, the division
122 shall prepare and submit a statewide emergency shelter plan to
123 the Governor and the Cabinet for approval, subject to the
124 requirements for approval provided in s. 1013.37(2). The plan
125 shall identify the general location and square footage of
126 special needs shelters, by regional planning council region,
127 during the next 5 years. The plan shall also include information
128 on the availability of shelters that accept pets. The Department
129 of Health shall assist the division in determining the estimated
130 need for special needs shelter space and the adequacy of
131 facilities to meet the needs of persons with special needs based
132 on information from the registries of persons with special needs
133 and other information.

134 (4) (a) Public facilities, including schools, postsecondary
135 education facilities, and other facilities owned or leased by
136 the state or local governments, but excluding hospitals, hospice
137 care facilities, assisted living facilities, or nursing homes,
138 which are suitable for use as public hurricane evacuation
139 shelters shall be made available at the request of the local
140 emergency management agencies. The local emergency management
141 agency shall coordinate with these entities to ensure designated
142 facilities are ready to activate prior to a specific hurricane
143 or disaster. Such agencies shall coordinate with the
144 appropriate school board, university, community college, or
145 local governing board when requesting the use of such facilities
146 as public hurricane evacuation shelters.

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(b) The Department of Management Services shall incorporate provisions for the use of suitable leased public facilities as public hurricane evacuation shelters into lease agreements for state agencies. Suitable leased public facilities include leased public facilities that are solely occupied by state agencies and have at least 2,000 square feet of net floor area in a single room or in a combination of rooms having a minimum of 400 square feet in each room. The net square footage of floor area shall ~~must~~ be determined by subtracting from the gross square footage the square footage of spaces such as mechanical and electrical rooms, storage rooms, open corridors, restrooms, kitchens, science or computer laboratories, shop or mechanical areas, administrative offices, records vaults, and crawl spaces.

Section 5. Section 381.0303, Florida Statutes, is amended to read:

381.0303 ~~Health practitioner recruitment for~~ Special needs shelters.--

(1) PURPOSE.--The purpose of this section is to provide for the operation and closure of special needs shelters and to designate the Department of Health, through its county health departments, as the lead agency for coordination of the recruitment of health care practitioners, as defined in s. 456.001(4), to staff special needs shelters in times of emergency or disaster and to provide resources to the department to carry out this responsibility. However, nothing in this section prohibits a county health department from entering into an agreement with a local emergency management agency to assume the lead responsibility for recruiting health care practitioners.

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177 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY
178 ASSISTANCE AND STAFFING.--Provided funds have been appropriated
179 to support ~~medical services~~ disaster coordinator positions in
180 county health departments:7

181 (a) The department shall assume lead responsibility for
182 the ~~local~~ coordination of local medical and health care
183 providers, the American Red Cross, and other interested parties
184 in developing a plan for the staffing and medical management of
185 special needs shelters. The local Children's Medical Services
186 offices shall assume lead responsibility for the coordination of
187 local medical and health care providers, the American Red Cross,
188 and other interested parties in developing a plan for the
189 staffing and medical management of pediatric special needs
190 shelters. Plans shall conform to ~~The plan shall be in~~
191 ~~conformance with~~ the local comprehensive emergency management
192 plan.

193 (b) ~~(a)~~ County health departments shall, in conjunction
194 with the local emergency management agencies, have the lead
195 responsibility for coordination of the recruitment of health
196 care practitioners to staff local special needs shelters. County
197 health departments shall assign their employees to work in
198 special needs shelters when those employees are needed to
199 protect the health and safety of persons with special needs of
200 patients. County governments shall assist the department with
201 nonmedical staffing and the operation of special needs shelters.
202 The local health department and emergency management agency
203 shall coordinate these efforts to ensure appropriate staffing in
204 special needs shelters.

205 (c) ~~(b)~~ The appropriate county health department,
206 Children's Medical Services office, and local emergency
207 management agency shall jointly decide ~~determine~~ who has

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responsibility for medical supervision in each a special needs shelter.

~~(d)(e)~~ Local emergency management agencies shall be responsible for the designation and operation of special needs shelters during times of emergency or disaster and the closure of the facilities following an emergency or disaster. The local health department and emergency management agency shall coordinate these efforts to ensure the appropriate designation and operation of special needs shelters. County health departments shall assist the local emergency management agency with regard to the management of medical services in special needs shelters.

(e) The Secretary of Elderly Affairs, or his or her designee, shall convene, at any time that he or she deems appropriate and necessary, a multiagency special needs shelter discharge planning team or teams to assist local areas that are severely impacted by a natural or manmade disaster that requires the use of special needs shelters. Multiagency special needs shelter discharge planning teams shall provide assistance to local emergency management agencies with the continued operation or closure of the shelters, as well as with the discharge of special needs clients to alternate facilities if necessary. Local emergency management agencies may request the assistance of a multiagency special needs shelter discharge planning team by alerting statewide emergency management officials of the necessity for additional assistance in their area. The Secretary of Elderly Affairs is encouraged to proactively work with other state agencies prior to any natural disasters for which warnings are provided to ensure that multiagency special needs shelter discharge planning teams are ready to assemble and deploy rapidly upon a determination by state emergency management

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officials that a disaster area requires additional assistance.
The Secretary of Elderly Affairs may call upon any state agency
or office to provide staff to assist a multiagency special needs
shelter discharge planning team or teams. Unless the secretary
determines that the nature or circumstances surrounding the
disaster do not warrant participation from a particular agency's
staff, each multiagency special needs shelter discharge planning
team shall include at least one representative from each of the
following state agencies:

1. Department of Elderly Affairs.
2. Department of Health.
3. Department of Children and Family Services.
4. Department of Veterans' Affairs.
5. Department of Community Affairs.
6. Agency for Health Care Administration.
7. Agency for Persons with Disabilities.

(3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS AND
FACILITIES.--

(a) The department ~~Department of Health~~ shall upon request
reimburse, in accordance with paragraph (b), ~~subject to the~~
~~availability of funds for this purpose:~~

1. Health care practitioners, as defined in s. 456.001,
provided the practitioner is not providing care to a patient
under an existing contract, and emergency medical technicians
and paramedics licensed under ~~pursuant to~~ chapter 401 for
medical care provided at the request of the department in
special needs shelters or at other locations during times of
emergency or a declared ~~major~~ disaster. Reimbursement for health
care practitioners, except for physicians licensed under
~~pursuant to~~ chapter 458 or chapter 459, shall be based on the
average hourly rate that such practitioners were paid according

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to the most recent survey of Florida hospitals conducted by the Florida Hospital Association or other nationally or state recognized data source. ~~Reimbursement shall be requested on forms prepared by the Department of Health.~~

2. Health care facilities, such as hospitals, nursing homes, assisted living facilities, and community residential homes, if, upon closure of a special needs shelter, a multiagency special needs shelter discharge planning team determines that it is necessary to discharge persons with special needs to other health care facilities. The receiving facilities shall be eligible for reimbursement for services provided to the individuals for up to 90 days. A facility must show proof of a written request from a representative of an agency serving on the multiagency special needs shelter discharge planning team that the individual for whom the facility is seeking reimbursement for services rendered was referred to that facility from a special needs shelter. The department shall specify by rule which expenses are reimbursable and the rate of reimbursement for each service.

(b) Reimbursement is subject to the availability of federal funds and shall be requested on forms prepared by the department. If a Presidential Disaster Declaration has been issued made, and the Federal Government makes funds available, the department shall request federal use such funds for reimbursement of eligible expenditures. In other situations, or if federal funds do not fully compensate the department for reimbursement made pursuant to this section, the department shall process a budget amendment to obtain reimbursement from unobligated, unappropriated moneys in the General Revenue Fund. The department shall not provide reimbursement to facilities under this subsection for services provided to a person with

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301 special needs if, during the period of time in which the
302 services were provided, the individual was enrolled in another
303 state-funded program, such as Medicaid or another similar
304 program, was covered under a policy of health insurance as
305 defined in s. 624.603, or was a member of a health maintenance
306 organization or prepaid health clinic as defined in chapter 641,
307 which would otherwise pay for the same services. Travel expense
308 and per diem costs shall be reimbursed pursuant to s. 112.061.

309 (4) HEALTH CARE PRACTITIONER REGISTRY.--The department may
310 use the registries established in ss. 401.273 and 456.38 when
311 health care practitioners are needed to staff special needs
312 shelters or to assist with other disaster-related activities
313 ~~staff disaster medical assistance teams.~~

314 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The
315 Secretary Department of Health may establish a special needs
316 shelter interagency committee and serve as or appoint a designee
317 to serve as the committee's chair. The department shall provide
318 any necessary staff and resources to support the committee in
319 the performance of its duties, to be chaired and staffed by the
320 ~~department.~~ The committee shall address and resolve problems
321 related to special needs shelters not addressed in the state
322 comprehensive emergency medical plan and shall consult on ~~serve~~
323 ~~as an oversight committee to monitor~~ the planning and operation
324 of special needs shelters.

325 (a) The committee shall ~~may~~:

- 326 1. Develop, and negotiate, and regularly review any
327 necessary interagency agreements.
- 328 2. Undertake other such activities as the department deems
329 necessary to facilitate the implementation of this section.
- 330 3. Submit recommendations to the Legislature as necessary.

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(b) The special needs shelter interagency committee shall be composed of representatives of emergency management, health, medical, and social services organizations. Membership shall include, but shall not be limited to, representatives of the Departments of Health, Community Affairs, Children and Family Services, Elderly Affairs, ~~Labor and Employment Security~~, and Education; the Agency for Health Care Administration; the Florida Medical Association; the Florida Osteopathic Medical Association; Associated Home Health Industries of Florida, Inc.; the Florida Nurses Association; the Florida Health Care Association; the Florida Assisted Living Affiliation Association; the Florida Hospital Association; the Florida Statutory Teaching Hospital Council; the Florida Association of Homes for the Aging; the Florida Emergency Preparedness Association; the American Red Cross; Florida Hospices and Palliative Care, Inc.; the Association of Community Hospitals and Health Systems; the Florida Association of Health Maintenance Organizations; the Florida League of Health Systems; Private Care Association; ~~and~~ the Salvation Army; the Florida Association of Aging Services Providers; AARP; and the Florida Renal Coalition.

(c) Meetings of the committee shall be held in Tallahassee, and members of the committee shall serve at the expense of the agencies or organizations they represent. The committee shall make every effort to use teleconference or video conference capabilities in order to ensure statewide input and participation.

(6) RULES.--The department has the authority to adopt rules necessary to implement this section. Rules shall ~~may~~ include:

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361 (a) The a definition of a "person with special needs",
362 including eligibility criteria for individuals with physical,
363 mental, cognitive impairment, or sensory disabilities and the
364 services a person with special needs can expect to receive in a
365 special needs shelter patient, specify physician reimbursement,
366 and designate which county health departments will have
367 responsibility for implementation of subsections (2) and (3).

368 (b) The process for special needs shelter health care
369 practitioners and facility reimbursement for services provided
370 in a disaster.

371 (c) Guidelines for special needs shelter staffing levels
372 to provide services.

373 (d) The definition of and standards for special needs
374 shelter supplies and equipment, including durable medical
375 equipment.

376 (e) Standards for the special needs shelter registration
377 process, including guidelines for addressing the needs of
378 unregistered persons in need of a special needs shelter.

379 (f) Standards for addressing the needs of families where
380 only one dependent is eligible for admission to a special needs
381 shelter and the needs of adults with special needs who are
382 caregivers for individuals without special needs.

383 (g) The requirement of the county health departments to
384 seek the participation of hospitals, nursing homes, assisted
385 living facilities, home health agencies, hospice providers,
386 nurse registries, home medical equipment providers, dialysis
387 centers, and other health and medical emergency preparedness
388 stakeholders in pre-event planning activities.

389 (7) REVIEW OF EMERGENCY MANAGEMENT PLANS.--The submission
390 of emergency management plans to county health departments by
391 home health agencies, pursuant to s. 400.497(8)(c) and (d) and

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392 ~~by nurse registries, pursuant to s. 400.506(16)(e) and by~~
393 ~~hospice programs, pursuant to s. 400.610(1)(b) and home medical~~
394 ~~equipment providers~~ is conditional upon the receipt of an
395 appropriation by the department to establish ~~medical services~~
396 disaster coordinator positions in county health departments
397 unless the secretary of the department and a local county
398 commission jointly determine to require such plans to be

399 submitted based on a determination that there is a special need
400 to protect public health in the local area during an emergency.

401 Section 6. Section 400.492, Florida Statutes, is amended
402 to read:

403 400.492 Provision of services during an emergency.--Each
404 home health agency shall prepare and maintain a comprehensive
405 emergency management plan that is consistent with the standards
406 adopted by national or state accreditation organizations and
407 consistent with the local special needs plan. The plan shall be
408 updated annually and shall provide for continuing home health
409 services during an emergency that interrupts patient care or
410 services in the patient's home. The plan shall include the means
411 by which the home health agency will continue to provide staff
412 to perform the same type and quantity of services to their
413 patients who evacuate to special needs shelters that were being
414 provided to those patients prior to evacuation. The plan shall
415 describe how the home health agency establishes and maintains an
416 effective response to emergencies and disasters, including:
417 notifying staff when emergency response measures are initiated;
418 providing for communication between staff members, county health
419 departments, and local emergency management agencies, including
420 a backup system; identifying resources necessary to continue
421 essential care or services or referrals to other organizations

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subject to written agreement; and prioritizing and contacting patients who need continued care or services.

(1) Each patient record for patients who are listed in the registry established pursuant to s. 252.355 shall include a description of how care or services will be continued in the event of an emergency or disaster. The home health agency shall discuss the emergency provisions with the patient and the

patient's caregivers, including where and how the patient is to evacuate, procedures for notifying the home health agency in the event that the patient evacuates to a location other than the shelter identified in the patient record, and a list of medications and equipment which must either accompany the patient or will be needed by the patient in the event of an evacuation.

(2) Each home health agency shall maintain a current prioritized list of patients who need continued services during an emergency. The list shall indicate how services shall be continued in the event of an emergency or disaster for each patient and if the patient is to be transported to a special needs shelter, and shall indicate if the patient is receiving skilled nursing services and the patient's medication and equipment needs. The list shall be furnished to county health departments and to local emergency management agencies, upon request.

(3) Home health agencies shall not be required to continue to provide care to patients in emergency situations that are beyond their control and that make it impossible to provide services, such as when roads are impassable or when patients do not go to the location specified in their patient records. Home health agencies may establish links to local emergency operations centers to determine a mechanism to approach specific

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453 areas within a disaster area in order for the agency to reach
454 its clients. Home health agencies shall demonstrate a good faith
455 effort to comply with the requirements of this subsection by
456 documenting attempts of staff to follow procedures as outlined
457 in the home health agency's comprehensive emergency management
458 plan, and by the patient's record, which support a finding that
459 continuing care has been attempted to be provided for those
460 patients who have been identified as needing care by the home
461 health agency and registered under s. 252.355, F.S., in the
462 event of an emergency or disaster under subsection (1).

463 (4) Notwithstanding the provisions of s. 400.464(2) or any
464 other provision of law to the contrary, a home health agency may
465 provide services in a special needs shelter located in any
466 county.

467 Section 7. Paragraphs (c) and (d) of subsection (8) of
468 section 400.497, Florida Statutes, are amended to read:

469 400.497 Rules establishing minimum standards.--The agency
470 shall adopt, publish, and enforce rules to implement this part,
471 including, as applicable, ss. 400.506 and 400.509, which must
472 provide reasonable and fair minimum standards relating to:

473 (8) Preparation of a comprehensive emergency management
474 plan pursuant to s. 400.492.

475 (c) The plan is subject to review and approval by the
476 county health department. During its review, the county health
477 department shall contact state and local health and medical
478 stakeholders during its review when necessary. ~~ensure that the~~
479 ~~following agencies, at a minimum, are given the opportunity to~~
480 ~~review the plan:~~

481 ~~1. The local emergency management agency.~~

482 ~~2. The Agency for Health Care Administration.~~

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483 ~~3. The local chapter of the American Red Cross or other~~
484 ~~lead sheltering agency.~~

485 ~~4. The district office of the Department of Children and~~
486 ~~Family Services.~~

487
488 The county health department shall complete its review to ensure
489 that the plan is in accordance with the criteria set forth in
490 the rules of the Agency for Health Care Administration within 90
491 60 days after receipt of the plan and shall either approve the
492 plan or advise the home health agency of necessary revisions. If
493 the home health agency fails to submit a plan or fails to submit
494 the requested information or revisions to the county health
495 department within 30 days after written notification from the
496 county health department, the county health department shall
497 notify the Agency for Health Care Administration. The agency
498 shall notify the home health agency that such failure
499 constitutes a deficiency, subject to a fine of \$5,000 per
500 occurrence. If the plan is not submitted, information is not
501 provided, or revisions are not made as requested, the agency may
502 impose the fine.

503 (d) For any home health agency that operates in more than
504 one county, the Department of Health shall review the plan,
505 after consulting with state and local health and medical
506 stakeholders, when necessary ~~all of the county health~~
507 ~~departments, the agency, and all the local chapters of the~~
508 ~~American Red Cross or other lead sheltering agencies in the~~
509 ~~areas of operation for that particular home health agency.~~ The
510 department of Health shall complete its review within 90 days
511 after receipt of the plan and shall either approve the plan or
512 advise the home health agency of necessary revisions. The
513 department of Health shall make every effort to avoid imposing

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514 differing requirements on a home health agency that operates in
515 more than one county as a result of differing or conflicting
516 comprehensive plan requirements of the ~~based on differences~~
517 ~~between~~ counties in which ~~on~~ the home health agency operates.

518 Section 8. Subsection (16) of section 400.506, Florida
519 Statutes, is amended to read:

520 400.506 Licensure of nurse registries; requirements;
521 penalties.--

522 (16) Each nurse registry shall prepare and maintain a
523 comprehensive emergency management plan that is consistent with
524 the criteria in this subsection and with the local special needs
525 plan. The plan shall be updated annually. The plan shall include
526 the means by which the nurse registry will continue to perform
527 the same type and quantity of services to their patients who
528 evacuate to special needs shelters that were being provided to
529 those patients prior to evacuation. The plan shall specify how
530 the nurse registry shall facilitate the provision of continuous
531 care by persons referred for contract to persons who are
532 registered pursuant to s. 252.355 during an emergency that
533 interrupts the provision of care or services in private
534 residencies. Nurse registries may establish links to local
535 emergency operations centers to determine a mechanism to
536 approach specific areas within a disaster area in order for a
537 provider to reach its clients. Nurse registries shall
538 demonstrate a good faith effort to comply with the requirements
539 of this subsection by documenting attempts of staff to follow
540 procedures as outlined in the nurse registry's comprehensive
541 emergency management plan which support a finding that
542 continuing care has been attempted to be provided for those
543 patients who have been identified as needing care by the nurse

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544 registry and registered under s. 252.355, F.S., in the event of
545 an emergency under s. 400.506(1).

546 (a) All persons referred for contract who care for persons
547 registered pursuant to s. 252.355 must include in the patient
548 record a description of how care will be continued during a
549 disaster or emergency that interrupts the provision of care in
550 the patient's home. It shall be the responsibility of the person
551 referred for contract to ensure that continuous care is
552 provided.

553 (b) Each nurse registry shall maintain a current
554 prioritized list of patients in private residences who are
555 registered pursuant to s. 252.355 and are under the care of
556 persons referred for contract and who need continued services
557 during an emergency. This list shall indicate, for each patient,
558 if the client is to be transported to a special needs shelter
559 and if the patient is receiving skilled nursing services. Nurse
560 registries shall make this list available to county health
561 departments and to local emergency management agencies upon
562 request.

563 (c) Each person referred for contract who is caring for a
564 patient who is registered pursuant to s. 252.355 shall provide a
565 list of the patient's medication and equipment needs to the
566 nurse registry. Each person referred for contract shall make
567 this information available to county health departments and to
568 local emergency management agencies upon request.

569 (d) Each person referred for contract shall not be
570 required to continue to provide care to patients in emergency
571 situations that are beyond the person's control and that make it
572 impossible to provide services, such as when roads are
573 impassable or when patients do not go to the location specified
574 in their patient records.

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575 (e) The comprehensive emergency management plan required
576 by this subsection is subject to review and approval by the
577 county health department. During its review, the county health
578 department shall contact state and local health and medical
579 stakeholders, when necessary ensure that, at a minimum, the
580 local emergency management agency, the Agency for Health Care
581 Administration, and the local chapter of the American Red Cross
582 or other lead sheltering agency are given the opportunity to
583 review the plan. The county health department shall complete its
584 review to ensure that the plan is in accordance with the
585 criteria set forth in the rules of the Agency for Health Care
586 Administration within 90 60 days after receipt of the plan and
587 shall either approve the plan or advise the nurse registry of
588 necessary revisions. If a nurse registry fails to submit a plan
589 or fails to submit requested information or revisions to the
590 county health department within 30 days after written
591 notification from the county health department, the county
592 health department shall notify the Agency for Health Care
593 Administration. The agency shall notify the nurse registry that
594 such failure constitutes a deficiency, subject to a fine of
595 \$5,000 per occurrence. If the plan is not submitted, information
596 is not provided, or revisions are not made as requested, the
597 agency may impose the fine.

598 (f) The Agency for Health Care Administration shall adopt
599 rules establishing minimum criteria for the comprehensive
600 emergency management plan and plan updates required by this
601 subsection, with the concurrence of the Department of Health and
602 in consultation with the Department of Community Affairs.

603 Section 9. Paragraph (b) of subsection (1) of section
604 400.610, Florida Statutes, is amended to read:

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400.610 Administration and management of a hospice.--

(1) A hospice shall have a clearly defined organized governing body, consisting of a minimum of seven persons who are representative of the general population of the community served. The governing body shall have autonomous authority and responsibility for the operation of the hospice and shall meet at least quarterly. The governing body shall:

(b)1. Prepare and maintain a comprehensive emergency management plan that provides for continuing hospice services in the event of an emergency that is consistent with local special needs plans. The plan shall include provisions for ensuring continuing care to hospice patients who go to special needs shelters. The plan shall include the means by which the hospice provider will continue to provide staff to perform the same type and quantity of services to their patients who evacuate to special needs shelters that were being provided to those patients prior to evacuation. The plan is subject to review and approval by the county health department, except as provided in subparagraph 2. During its review, the county health department shall contact state and local health and medical stakeholders, ~~when necessary ensure that the department, the agency, and the local chapter of the American Red Cross or other lead sheltering agency have an opportunity to review and comment on the plan.~~ The county health department shall complete its review to ensure that the plan is in accordance with the criteria set forth in the rules of the Department of Elderly Affairs within 90 60 days after receipt of the plan and shall either approve the plan or advise the hospice of necessary revisions. Hospice providers may establish links to local emergency operations centers to determine a mechanism to approach specific areas within a disaster area in order for the provider to reach its clients. A

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hospice shall demonstrate a good faith effort to comply with the requirements of this paragraph by documenting attempts of staff to follow procedures as outlined in the hospice's comprehensive emergency management plan and to provide continuing care for those hospice clients who have been identified as needing alternative caregiver services in the event of an emergency.

2. For any hospice that operates in more than one county, the Department of Health during its review shall contact state and local health and medical stakeholders, when necessary review the plan, after consulting with all of the county health departments, the agency, and all the local chapters of the American Red Cross or other lead sheltering agency in the areas of operation for that particular hospice. The Department of Health shall complete its review to ensure that the plan is in accordance with the criteria set forth in the rules of the Department of Elderly Affairs within 90 days after receipt of the plan and shall either approve the plan or advise the hospice of necessary revisions. The Department of Health shall make every effort to avoid imposing on the hospice differing requirements on a hospice that operates in more than one county as a result of differing or conflicting comprehensive plan requirements of the based on differences between counties in which the hospice operates.

Section 10. Subsections (13) through (16) of section 400.925, Florida Statutes, are renumbered as subsections (14) through (17), respectively, and a new subsection (13) is added to that section to read:

400.925 Definitions.--As used in this part, the term:

(13) "Life-supporting or life-sustaining equipment" means a device that is essential to, or that yields information that is essential to, the restoration or continuation of a bodily

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667 function important to the continuation of human life. Life-
668 supporting or life-sustaining equipment includes apnea monitors,
669 enteral feeding pumps, infusion pumps, portable home dialysis
670 equipment, and ventilator equipment and supplies for all related
671 equipment, including oxygen equipment and related respiratory
672 equipment.

673 Section 11. Subsections (20), (21), and (22) are added to
674 section 400.934, Florida Statutes, to read:

675 400.934 Minimum standards.--As a requirement of licensure,
676 home medical equipment providers shall:

677 (20) (a) Prepare and maintain a comprehensive emergency
678 management plan that meets minimum criteria established by the
679 agency in rule under s. 400.935. The plan shall be updated
680 annually and shall provide for continuing home medical equipment
681 services for life-supporting or life-sustaining equipment, as
682 defined in 400.925, during an emergency that interrupts home
683 medical equipment services in a patient's home. The plan shall
684 include:

685 1. The means by which the home medical equipment provider
686 will continue to provide equipment to perform the same type and
687 quantity of services to its patients who evacuate to special
688 needs shelters that were being provided to those patients prior
689 to evacuation.

690 2. The means by which the home medical equipment provider
691 establishes and maintains an effective response to emergencies
692 and disasters, including plans for:

693 a. Notification of staff when emergency response measures
694 are initiated.

695 b. Communication between staff members, county health
696 departments, and local emergency management agencies, which
697 shall include provisions for a backup communications system.

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698 c. Identification of resources necessary to continue
699 essential care or services or referrals to other organizations
700 subject to written agreement.

701 d. Contacting and prioritizing patients in need of
702 continued medical equipment services and supplies.

703 (b) The plan is subject to review and approval by the
704 county health department. During its review, the county health
705 department shall contact state and local health and medical
706 stakeholders, when necessary. The county health department shall
707 complete its review to ensure that the plan is in accordance
708 with the criteria set forth in the rules of the Agency for
709 Health Care Administration within 90 days after receipt of the
710 plan. If a home medical equipment provider fails to submit a
711 plan or fails to submit requested information or revisions to
712 the county health department within 30 days after written
713 notification from the county health department, the county
714 health department shall notify the Agency for Health Care
715 Administration. The agency shall notify the home medical
716 equipment provider that such failure constitutes a deficiency,
717 subject to a fine of \$5,000 per occurrence. If the plan is not
718 submitted, information is not provided, or revisions are not
719 made as requested, the agency may impose the fine.

720 (21) Each home medical equipment provider shall maintain a
721 current prioritized list of patients who need continued services
722 during an emergency. The list shall indicate the means by which
723 services shall be continued for each patient in the event of an
724 emergency or disaster, whether the patient is to be transported
725 to a special needs shelter, and whether the patient has life-
726 supporting or life-sustaining equipment, including the specific
727 type of equipment and related supplies. The list shall be

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728 furnished to county health departments and local emergency
729 management agencies, upon request.

730 (22) Home medical equipment providers may establish links
731 to local emergency operations centers to determine a mechanism
732 to approach specific areas within a disaster area in order for
733 the provider to reach its patients.

734 Section 12. Subsection (11) is added to section 400.935,
735 Florida Statutes, to read:

736 400.935 Rules establishing minimum standards.--The agency
737 shall adopt, publish, and enforce rules to implement this part,
738 which must provide reasonable and fair minimum standards
739 relating to:

740 (11) Preparation of the comprehensive emergency management
741 plan under s. 400.934 and the establishment of minimum criteria
742 for the plan, including the maintenance of patient equipment and
743 supply lists that can accompany patients who are transported
744 from their homes. Such rules shall be formulated in consultation
745 with the Department of Health and the Department of Community
746 Affairs.

747 Section 13. Section 408.831, Florida Statutes, is amended
748 to read:

749 408.831 Denial, suspension, or revocation of a license,
750 registration, certificate, or application.--

751 (1) In addition to any other remedies provided by law, the
752 agency may deny each application or suspend or revoke each
753 license, registration, or certificate of entities regulated or
754 licensed by it:

755 (a) If the applicant, licensee, registrant, or
756 certificateholder, or, in the case of a corporation,
757 partnership, or other business entity, if any officer, director,
758 agent, or managing employee of that business entity or any

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759 affiliated person, partner, or shareholder having an ownership
760 interest equal to 5 percent or greater in that business entity,
761 has failed to pay all outstanding fines, liens, or overpayments
762 assessed by final order of the agency or final order of the
763 Centers for Medicare and Medicaid Services, not subject to
764 further appeal, unless a repayment plan is approved by the
765 agency; or

766 (b) For failure to comply with any repayment plan.

767 (2) In reviewing any application requesting a change of
768 ownership or change of the licensee, registrant, or
769 certificateholder, the transferor shall, prior to agency
770 approval of the change, repay or make arrangements to repay any
771 amounts owed to the agency. Should the transferor fail to repay
772 or make arrangements to repay the amounts owed to the agency,
773 the issuance of a license, registration, or certificate to the
774 transferee shall be delayed until repayment or until
775 arrangements for repayment are made.

776 (3) Entities subject to this section may exceed their
777 licensed capacity to act as a receiving facility in accordance
778 with an emergency operations plan for clients of evacuating
779 providers from a geographic area where an evacuation order has
780 been issued by a local authority having jurisdiction. While in
781 an overcapacity status, each provider must furnish or arrange
782 for appropriate care and services to all clients. In addition,
783 the agency may approve requests for overcapacity beyond 15 days,
784 which approvals may be based upon satisfactory justification and
785 need as provided by the receiving and sending facility.

786 (4) An inactive license may be issued to a licensee
787 subject to this section when the provider is located in a
788 geographic area where a state of emergency was declared by the
789 Governor if the provider:

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790 (a) Suffered damage to the provider's operation during
791 that state of emergency.

792 (b) Is currently licensed.

793 (c) Does not have a provisional license.

794 (d) Will be temporarily unable to provide services but is
795 reasonably expected to resume services within 12 months.
796

797 An inactive license may be issued for a period not to exceed 12
798 months but may be renewed by the agency for up to 12 additional
799 months upon demonstration to the agency of progress toward
800 reopening. A request by a licensee for an inactive license or to
801 extend the previously approved inactive period must be submitted
802 in writing to the agency, accompanied by written justification
803 for the inactive license which states the beginning and ending
804 dates of inactivity and includes a plan for the transfer of any
805 clients to other providers and appropriate licensure fees. Upon
806 agency approval, the licensee shall notify clients of any
807 necessary discharge or transfer as required by authorizing
808 statutes or applicable rules. The beginning of the inactive
809 licensure period shall be the date the provider ceases
810 operations. The end of the inactive period shall become the
811 licensee expiration date, and all licensure fees must be
812 current, paid in full, and may be prorated. Reactivation of an
813 inactive license requires the prior approval by the agency of a
814 renewal application, including payment of licensure fees and
815 agency inspections indicating compliance with all requirements
816 of this part and applicable rules and statutes.

817 (5)(3) This section provides standards of enforcement
818 applicable to all entities licensed or regulated by the Agency
819 for Health Care Administration. This section controls over any
820 conflicting provisions of chapters 39, 381, 383, 390, 391, 393,

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394, 395, 400, 408, 468, 483, and 641 or rules adopted pursuant to those chapters.

Section 14. Emergency Preparedness-prescription medication refills.--

(1) All health insurers, managed care organizations and other entities, which are licensed by the Office of Insurance Regulation, that provide prescription medication coverage as part of a policy or contract shall waive time restrictions on prescription medication refills, which includes suspension of electronic "refill too soon" edits to pharmacies, to enable insureds or subscribers to refill prescriptions in advance, as long as there are authorized refills remaining, and shall authorize payment to pharmacies for at least a thirty day supply of any prescription medication, regardless of the date upon which the prescription had most recently been filled by a pharmacist, when the following conditions occur:

(2) The person seeking the prescription medication refill resides in a county that is:

(a) under a hurricane warning issued by the National Weather Service;

(b) said county is declared to be under a State of Emergency in an Executive Order issued by the Governor of Florida; or

(c) said county has activated its Emergency Operations Center and its Emergency Management Plan.

(3) The prescription medication refill is requested within thirty (30) days of the origination date of the conditions stated in (1) or until such conditions are terminated by the issuing authority or no longer exists. The time period for the waiver of prescription medication refills may be extended in

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851 fifteen (15) or thirty (30) day increments by Emergency Orders
852 issued by the Office of Insurance Regulation.

853 (4) Nothing in this act excuses or exempts an insured or
854 subscriber from compliance with all the other terms of the
855 policy or contract providing prescription medication coverage.

856 Section 15. The Legislature finds that all designated
857 public special needs hurricane evacuation shelters should be
858 equipped with permanent emergency power generating capacity to
859 provide the necessary equipment, heating, ventilation, and air-
860 conditioning to meet the medical needs of patients by June 1,
861 2007. The Department of Community Affairs shall work with local
862 communities to ensure that there is a sufficient number of
863 public special needs shelters designated to meet the anticipated
864 demand based on best available data as determined by the
865 department and the Department of Health. Local match for these
866 projects shall be no less than 25 percent of project cost. There
867 is hereby appropriated \$21.5 million from the U.S. Contributions
868 Trust Fund in fixed capital outlay to the Department of
869 Community Affairs to establish a competitive award process to
870 implement this section. No more than 5 percent of the funds
871 provided under this section may be used by the department for
872 administration of the funding.

873 Section 16. The Legislature finds that retrofitting public
874 hurricane evacuation shelters is an efficient and economical
875 method of accelerating the state and local efforts to reduce the
876 shelter deficit. Criteria for the retrofitting of a public
877 hurricane evacuation shelter shall include, but not be limited
878 to, the project's ability to meet the structural and siting
879 requirements of American Red Cross Standard ARC 4496,
880 "Guidelines for Hurricane Evacuation Shelter Selection," once
881 completed; the shelter needs for the local government, as well

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as the overall needs of the hurricane evacuation planning region; the cost-effectiveness of the project in terms of the number of public hurricane evacuation spaces; and the priority ranking of the proposed project in the applicable local mitigation strategy. There is hereby appropriated \$9 million from the U.S. Contributions Trust Fund in fixed capital outlay to the Department of Community Affairs to establish a competitive award process to implement this section. No more than 5 percent of the funds provided under this section may be used by the department for administration of this funding.

Section 17. For the 2006-2007 fiscal year, the sums of \$896,799 from recurring general revenue funds and \$104,156 from nonrecurring general revenue funds are appropriated, and 20 full-time equivalent positions are authorized at \$872,644 salary rate, to implement the provisions of emergency management plan reviews for home health agencies and nurse registry, hospice, and home medical equipment providers.

Section 18. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to emergency management; amending s. 252.355, F.S.; specifying additional entities and agencies that are required to provide registration information to persons with disabilities or special needs for purposes of inclusion within the registry of persons with special needs maintained by local emergency management agencies; providing that the Department of Community Affairs shall be the designated lead agency responsible for community education and outreach to the general

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public, including persons with special needs, regarding
registration as a person with special needs, special needs
shelters, and general information regarding shelter stays;
providing that special needs shelters must allow persons with
special needs to bring service animals into special needs
shelters; revising provisions with respect to the required
notification of residential utility customers of the
availability of the special needs registration program;
providing that specified confidential and exempt information
relating to roster of persons with special needs in special
needs shelters be provided to local law enforcement; creating s.
252.3568, F.S.; requiring the Division of Emergency Management
to address strategies for the evacuation of persons with pets in
the shelter component of the state comprehensive emergency
management plan; creating s. 252.357, F.S., requiring the
Florida Comprehensive Emergency Management Plan to permit the
Agency for Health Care Administration to make initial contact
with each nursing home and assisted living facility in a
disaster area; requiring the agency to annually publish an
emergency telephone number that may be used by nursing homes and
assisted living facilities to contact the agency; amending s.
252.385, F.S., relating to public shelter space; requiring the
Division of Emergency Management of the Department of Community
Affairs to biennially prepare and submit a statewide emergency
shelter plan to the Governor and the Cabinet for approval;
providing plan requirements; requiring the Department of Health
to provide specified assistance to the division; revising those
facilities which are excluded as being suitable for use as
public hurricane evacuation shelters; requiring local emergency
management agencies to coordinate with public facilities to
determine readiness prior to activation; amending s. 381.0303,

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944 F.S.; providing for the operation of special needs shelters;
945 providing that local Children's Medical Services offices shall
946 assume lead responsibility for specified coordination with
947 respect to the development of a plan for the staffing and
948 medical management of pediatric special needs shelters;
949 requiring such plans to conform to the local comprehensive
950 emergency management plan; requiring county governments to
951 assist the Department of Health with nonmedical staffing and
952 operation of special needs shelters; requiring county health
953 departments and emergency management agencies to coordinate such
954 efforts to ensure appropriate staffing; providing that the
955 appropriate county health department, Children's Medical
956 Services office, and local emergency management agency shall
957 jointly determine the responsibility for medical supervision in
958 a special needs shelter; providing notification requirements;
959 requiring the emergency management agency and the local health
960 department to coordinate efforts to ensure appropriate
961 designation, operation, and closure in special needs shelters;
962 requiring the Secretary of Elderly Affairs to convene
963 multiagency special needs shelter discharge planning teams to
964 assist local areas that are severely impacted by a natural or
965 manmade disaster that requires the use of special needs
966 shelters; providing duties and responsibilities of such
967 discharge planning teams; providing for the inclusion of
968 specified state agency representatives on each discharge
969 planning team; revising provisions relating to reimbursement of
970 health care practitioners; providing for eligibility of
971 specified health care facilities for reimbursement when a
972 multiagency special needs shelter discharge planning team
973 discharges persons with special needs to such receiving
974 facilities; providing procedures and requirements with respect

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to such reimbursement; requiring the department to specify by
rule expenses that are reimbursable and the rate of
reimbursement for services; revising provisions which prescribe
means of and procedures for reimbursement; disallowing specified
reimbursements; revising provisions with respect to the
organization, role, duties, and composition of the special needs
shelter interagency committee; requiring the department to adopt
specified rules with respect to special needs shelters; amending
ss. 400.492, 400.497, 400.506, 400.610, and 400.934, F.S.;
revising requirements with respect to the comprehensive
emergency management plans of home health agencies, nurse
registries, and hospices, and providing such requirements with
respect to home medical equipment providers, to include the
means by which continuing services will be provided to patients
who evacuate to special needs shelters; authorizing the
establishment of links to local emergency operations centers for
specified purposes; revising requirements of a county health
department with respect to review of a comprehensive emergency
management plan submitted by a home health agency, nurse
registry, or hospice; providing requirements upon failure to
submit a plan or requested information to the department;
providing for imposition of a fine; revising requirements of the
Department of Health with respect to review of the plan of a
home health agency or hospice that operates in more than one
county; providing that the preparation and maintenance of a
comprehensive emergency management plan by a home medical
equipment provider is a requirement for licensure and must meet
minimum criteria established by the Agency for Health Care
Administration; providing plan requirements; providing that the
plan is subject to review and approval by the county health
department; requiring each home medical equipment provider to

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1006 maintain a current prioritized list of patients who need
1007 continued services during an emergency; amending s. 400.925,
1008 F.S.; defining "life-supporting or life-sustaining equipment"
1009 for purposes of pt. X of ch. 400, F.S., relating to home medical
1010 equipment providers; amending s. 400.935, F.S.; requiring the
1011 Agency for Health Care Administration to adopt rules with
1012 respect to the comprehensive emergency management plan prepared
1013 by a home medical equipment services provider; amending s.
1014 408.831, F.S.; providing that entities regulated or licensed by
1015 the Agency for Health Care Administration may exceed their
1016 licensed capacity to act as a receiving facility under specified
1017 circumstances; providing requirements while such entities are in
1018 an overcapacity status; providing for issuance of an inactive
1019 license to such licensees under specified conditions; providing
1020 requirements and procedures with respect to the issuance and
1021 reactivation of an inactive license; providing fees; requiring
1022 certain health insurance companies to waive restrictions on
1023 filling prescriptions during a declared State of Emergency;
1024 providing legislative findings with respect to the equipping of
1025 all designated public special needs hurricane evacuation
1026 shelters with permanent emergency power generating capacity by a
1027 specified date; requiring the Department of Community Affairs to
1028 work with local communities to ensure a sufficient number of
1029 public special needs shelters designated to meet anticipated
1030 demand; specifying the percentage of local match for such
1031 projects; providing an appropriation to the Department of
1032 Community Affairs to establish a competitive award process;
1033 specifying a limit with respect to administration of the
1034 funding; providing legislative findings with respect to
1035 retrofitting public hurricane evacuation shelters; providing
1036 criteria for the retrofitting of a public hurricane evacuation

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1037 shelter; providing an appropriation to the Department of
1038 Community Affairs to establish a competitive award process;
1039 specifying a limit with respect to administration of the
1040 funding; providing an appropriation to implement the provisions
1041 of emergency management plan reviews for home health agencies
1042 and nurse registry, hospice, and home medical equipment
1043 providers; providing an effective date.

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number:

HB 7203 CS

Meeting Date: 4/20/06

Date Received:

Place: Reed Hall

Date Reported:

Time: 2:45 PM

Subject:

prevention of obesity

Council/Committee Action:

- | | |
|--|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	1		2					
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bean	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brandenburg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Galvano	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	H Gibson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Harrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	Benson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
9	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

*Speaker Codes

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

Amendment to HB 7203 by Rep. Benson

The amendment directs the Department of Health to inform licensed health care practitioners about preventing and treating obesity, rather than simply preventing it. The bill also directs the Department of Health to work with other state agencies to develop obesity treatment and prevention strategies.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

Bill No. **HB 7203 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION ☒ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

Council/Committee hearing bill: Health & Families Council
Representative(s) Benson offered the following:

Amendment (with directory and title amendments)

Remove line(s) 59-67 and insert:

policies and strategies for preventing and treating obesity,
which shall be incorporated into programs administered by each
agency and shall include promoting healthy lifestyles of
employees of each agency.

(g) Advising, in accordance with s. 456.081, health care
practitioners licensed in this state regarding the morbidity,
mortality, and costs associated with the condition of being
overweight or obese, informing such practitioners of clinical
best practices for preventing and treating obesity, and
encouraging

===== T I T L E A M E N D M E N T =====

Remove line(s) 10-16 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. _____ (for drafter's use only)

21 policies and strategies to prevent and treat obesity which shall
22 be incorporated into agency programs; requiring the department
23 to advise health care practitioners regarding morbidity,
24 mortality, and costs associated with the condition of being
25 overweight or obese; requiring the department to inform health
26 care practitioners about clinical best practices for obesity
27 prevention, treatment, and to

000000

Amendment to HB 7203 CS by Rep. Henriquez

Wellness benefits are broadly recognized as valuable adjuncts to health insurance plans and can stabilize the costs of an employer's direct benefits costs by reducing compensated absences, increasing productivity, and limiting the out-of-pocket expenses incurred by employees for health events that can be minimized by lifestyle changes. Current law provides premium rebates for insurance plans that can demonstrate a majority of enrollees participate in organized wellness programs.¹ The nominal indicators of measurement are smoking cessation, weight reduction, and body mass index.

Current law requires the Department of Management Services to establish a schedule of minimum benefits for health maintenance organization coverage for state employees including age-based and gender-based wellness benefits.

This amendment (the substance of HB 783 CS) defines specific elements in age-based and gender-based services provided by health maintenance organizations under contract to the state employee health insurance program. These elements include:

- aerobic exercise,
- education in alcohol and substance abuse prevention,
- blood cholesterol screening,
- health risk appraisals,
- blood pressure screening and education,
- nutrition education,
- program planning,
- safety belt education,
- smoking cessation,
- stress management,
- weight management, and
- woman's health education

In addition, the amendment creates within the Department of Management Services the Florida State Employee Wellness Council, made up of nine members appointed by the Governor with specific duties that include:

- Working to encourage participation in wellness programs by state employees.
 - Developing standards and criteria for age-based and gender-based wellness programs.
 - Recommending a "healthy food and beverage" menu for food-service establishments in buildings owned, operated, or leased by the state.
-

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **HB 7203 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED	— (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Health & Families Council
2 Representative(s) Henriquez offered the following:

Amendment (with title amendment)

Between line(s) 74 and 75 insert:

Section 2. Paragraph (h) of subsection (3) of section
110.123, Florida Statutes, is amended, and subsection (13) is
added to that section, to read:

110.123 State group insurance program.--

(3) STATE GROUP INSURANCE PROGRAM.--

(h)1. A person eligible to participate in the state group
insurance program may be authorized by rules adopted by the
department, in lieu of participating in the state group health
insurance plan, to exercise an option to elect membership in a
health maintenance organization plan which is under contract
with the state in accordance with criteria established by this
section and by said rules. The offer of optional membership in a
health maintenance organization plan permitted by this paragraph
may be limited or conditioned by rule as may be necessary to
meet the requirements of state and federal laws.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21 2. The department shall contract with health maintenance
22 organizations seeking to participate in the state group
23 insurance program through a request for proposal or other
24 procurement process, as developed by the Department of
25 Management Services and determined to be appropriate.

26 a. The department shall establish a schedule of minimum
27 ~~benefits for health maintenance organization coverage, and that~~
28 schedule shall include: physician services; inpatient and
29 outpatient hospital services; emergency medical services,
30 including out-of-area emergency coverage; diagnostic laboratory
31 and diagnostic and therapeutic radiologic services; mental
32 health, alcohol, and chemical dependency treatment services
33 meeting the minimum requirements of state and federal law;
34 skilled nursing facilities and services; prescription drugs;
35 age-based and gender-based wellness benefits; and other benefits
36 as may be required by the department. Additional services may be
37 provided subject to the contract between the department and the
38 HMO. As used in this paragraph, the term "age-based and gender-
39 based wellness benefits" includes aerobic exercise, education in
40 alcohol and substance abuse prevention, blood cholesterol
41 screening, health risk appraisals, blood pressure screening and
42 education, nutrition education, program planning, safety belt
43 education, smoking cessation, stress management, weight
44 management, and woman's health education.

45 b. The department may establish uniform deductibles,
46 copayments, coverage tiers, or coinsurance schedules for all
47 participating HMO plans.

48 c. The department may require detailed information from
49 each health maintenance organization participating in the
50 procurement process, including information pertaining to

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51 organizational status, experience in providing prepaid health
52 benefits, accessibility of services, financial stability of the
53 plan, quality of management services, accreditation status,
54 quality of medical services, network access and adequacy,
55 performance measurement, ability to meet the department's
56 reporting requirements, and the actuarial basis of the proposed
57 ~~rates and other data determined by the director to be necessary~~
58 for the evaluation and selection of health maintenance
59 organization plans and negotiation of appropriate rates for
60 these plans. Upon receipt of proposals by health maintenance
61 organization plans and the evaluation of those proposals, the
62 department may enter into negotiations with all of the plans or
63 a subset of the plans, as the department determines appropriate.
64 Nothing shall preclude the department from negotiating regional
65 or statewide contracts with health maintenance organization
66 plans when this is cost-effective and when the department
67 determines that the plan offers high value to enrollees.

68 d. The department may limit the number of HMOs that it
69 contracts with in each service area based on the nature of the
70 bids the department receives, the number of state employees in
71 the service area, or any unique geographical characteristics of
72 the service area. The department shall establish by rule service
73 areas throughout the state.

74 e. All persons participating in the state group insurance
75 program may be required to contribute towards a total state
76 group health premium that may vary depending upon the plan and
77 coverage tier selected by the enrollee and the level of state
78 contribution authorized by the Legislature.

79 3. The department is authorized to negotiate and to
80 contract with specialty psychiatric hospitals for mental health

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Amendment No. (for drafter's use only)

81 benefits, on a regional basis, for alcohol, drug abuse, and
82 mental and nervous disorders. The department may establish,
83 subject to the approval of the Legislature pursuant to
84 subsection (5), any such regional plan upon completion of an
85 actuarial study to determine any impact on plan benefits and
86 premiums.

87 ~~4. In addition to contracting pursuant to subparagraph 2.,~~
88 the department may enter into contract with any HMO to
89 participate in the state group insurance program which:

90 a. Serves greater than 5,000 recipients on a prepaid basis
91 under the Medicaid program;

92 b. Does not currently meet the 25-percent non-
93 Medicare/non-Medicaid enrollment composition requirement
94 established by the Department of Health excluding participants
95 enrolled in the state group insurance program;

96 c. Meets the minimum benefit package and copayments and
97 deductibles contained in sub-subparagraphs 2.a. and b.;

98 d. Is willing to participate in the state group insurance
99 program at a cost of premiums that is not greater than 95
100 percent of the cost of HMO premiums accepted by the department
101 in each service area; and

102 e. Meets the minimum surplus requirements of s. 641.225.
103

104 The department is authorized to contract with HMOs that meet the
105 requirements of sub-subparagraphs a.-d. prior to the open
106 enrollment period for state employees. The department is not
107 required to renew the contract with the HMOs as set forth in
108 this paragraph more than twice. Thereafter, the HMOs shall be
109 eligible to participate in the state group insurance program

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only through the request for proposal or invitation to negotiate process described in subparagraph 2.

5. All enrollees in a state group health insurance plan, a TRICARE supplemental insurance plan, or any health maintenance organization plan have the option of changing to any other health plan that is offered by the state within any open enrollment period designated by the department. Open enrollment shall be held at least once each calendar year.

6. When a contract between a treating provider and the state-contracted health maintenance organization is terminated for any reason other than for cause, each party shall allow any enrollee for whom treatment was active to continue coverage and care when medically necessary, through completion of treatment of a condition for which the enrollee was receiving care at the time of the termination, until the enrollee selects another treating provider, or until the next open enrollment period offered, whichever is longer, but no longer than 6 months after termination of the contract. Each party to the terminated contract shall allow an enrollee who has initiated a course of prenatal care, regardless of the trimester in which care was initiated, to continue care and coverage until completion of postpartum care. This does not prevent a provider from refusing to continue to provide care to an enrollee who is abusive, noncompliant, or in arrears in payments for services provided. For care continued under this subparagraph, the program and the provider shall continue to be bound by the terms of the terminated contract. Changes made within 30 days before termination of a contract are effective only if agreed to by both parties.

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139 7. Any HMO participating in the state group insurance
140 program shall submit health care utilization and cost data to
141 the department, in such form and in such manner as the
142 department shall require, as a condition of participating in the
143 program. The department shall enter into negotiations with its
144 contracting HMOs to determine the nature and scope of the data
145 submission and the final requirements, format, penalties
146 associated with noncompliance, and timetables for submission.
147 These determinations shall be adopted by rule.

148 8. The department may establish and direct, with respect
149 to collective bargaining issues, a comprehensive package of
150 insurance benefits that may include supplemental health and life
151 coverage, dental care, long-term care, vision care, and other
152 benefits it determines necessary to enable state employees to
153 select from among benefit options that best suit their
154 individual and family needs.

155 a. Based upon a desired benefit package, the department
156 shall issue a request for proposal or invitation to negotiate
157 for health insurance providers interested in participating in
158 the state group insurance program, and the department shall
159 issue a request for proposal or invitation to negotiate for
160 insurance providers interested in participating in the non-
161 health-related components of the state group insurance program.
162 Upon receipt of all proposals, the department may enter into
163 contract negotiations with insurance providers submitting bids
164 or negotiate a specially designed benefit package. Insurance
165 providers offering or providing supplemental coverage as of May
166 30, 1991, which qualify for pretax benefit treatment pursuant to
167 s. 125 of the Internal Revenue Code of 1986, with 5,500 or more
168 state employees currently enrolled may be included by the

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department in the supplemental insurance benefit plan established by the department without participating in a request for proposal, submitting bids, negotiating contracts, or negotiating a specially designed benefit package. These contracts shall provide state employees with the most cost-effective and comprehensive coverage available; however, no state or agency funds shall be contributed toward the cost of any part of the premium of such supplemental benefit plans. With respect to dental coverage, the division shall include in any solicitation or contract for any state group dental program made after July 1, 2001, a comprehensive indemnity dental plan option which offers enrollees a completely unrestricted choice of dentists. If a dental plan is endorsed, or in some manner recognized as the preferred product, such plan shall include a comprehensive indemnity dental plan option which provides enrollees with a completely unrestricted choice of dentists.

b. Pursuant to the applicable provisions of s. 110.161, and s. 125 of the Internal Revenue Code of 1986, the department shall enroll in the pretax benefit program those state employees who voluntarily elect coverage in any of the supplemental insurance benefit plans as provided by sub-subparagraph a.

c. Nothing herein contained shall be construed to prohibit insurance providers from continuing to provide or offer supplemental benefit coverage to state employees as provided under existing agency plans.

(13) FLORIDA STATE EMPLOYEE WELLNESS COUNCIL.--

(a) There is created within the department the Florida State Employee Wellness Council.

(b) The council shall be an advisory body to the department to provide health education information to employees

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199 and to assist the department in developing minimum benefits for
200 all health care providers when providing age-based and gender-
201 based wellness benefits.

202 (c) The council shall be composed of nine members
203 appointed by the Governor. When making appointments to the
204 council, the Governor shall appoint persons who are residents of
205 the state and who are highly knowledgeable concerning, active
206 in, and recognized leaders in the health and medical field, at
207 least one of whom must be an employee of the state. Council
208 members shall equitably represent the broadest spectrum of the
209 health industry and the geographic areas of the state. Not more
210 than one member of the council may be from any one company,
211 organization, or association.

212 (d)1. Council members shall be appointed to 4-year terms,
213 except that the initial terms shall be staggered. The Governor
214 shall appoint three members to 2-year terms, three members to 3-
215 year terms, and three members to 4-year terms.

216 2. A member's absence from three consecutive meetings
217 shall result in his or her automatic removal from the council. A
218 vacancy on the council shall be filled for the remainder of the
219 unexpired term.

220 (e) The council shall annually elect from its membership
221 one member to serve as chair of the council and one member to
222 serve as vice chair.

223 (f) The first meeting of the council shall be called by
224 the chair not more than 60 days after the council members are
225 appointed by the Governor. The council shall thereafter meet at
226 least once quarterly and may meet more often as necessary. The
227 department shall provide staff assistance to the council which
228 shall include, but not be limited to, keeping records of the

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Amendment No. (for drafter's use only)

proceedings of the council and serving as custodian of all books, documents, and papers filed with the council.

(g) A majority of the members of the council constitutes a quorum.

(h) Members of the council shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061 while performing their duties.

(i) The council shall:

1. Work to encourage participation in wellness programs by state employees. The council may prepare informational programs and brochures for state agencies and employees.

2. In consultation with the department, develop standards and criteria for age-based and gender-based wellness programs.

3. In consultation with the department, recommend a "healthy food and beverage" menu for cafeterias and other food-service establishments located in buildings owned, operated, or leased by the state.

===== T I T L E A M E N D M E N T =====

On line(s) 18 after the semicolon insert:

Amending s. 110.123, F.S.; defining the term "aged-based and gender-based benefits" for purposes of the state group insurance program; creating the Florida State Employee Wellness Council within the Department of Management Services; providing for membership; providing for reimbursement of per diem and travel expenses; providing purpose and duties of the council;

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House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Health & Families
Council

Bill Number: HB 7217

Meeting Date: 4/20/06

Date Received: _____

Place: Reed Hall

Date Reported: _____

Time: 2:45 pm

Subject: Child support

Council/Committee Action:

- | | |
|--|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input checked="" type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	<i>Strike</i>							
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Bean								
<input checked="" type="checkbox"/>		Brandenburg	<i>W/10</i>							
<input checked="" type="checkbox"/>		Galvano	<i>6/5</i>							
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		H Gibson								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Homan								
<input checked="" type="checkbox"/>		Robaina								
<input checked="" type="checkbox"/>		Sobel								
<input checked="" type="checkbox"/>		Vana								
<input checked="" type="checkbox"/>		Benson, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
10	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

*Speaker Codes

Lobbyist: L	Proponent: P
State Employee: SE	Opponent: O
General Public: G	Information only: I
Requested to Speak: R	

STRIKE EVERYTHING AMENDMENT TO HB 7217 by Representative Galvano

The amendment does the following:

- Contains new provisions relating to the imputation of income for purposes of determining the amount of a child support award;
- Eliminates the automatic reduction in child care costs related to the 25% federal child care credit;
- Reduces the threshold in shared parenting time for a setoff in the amount of a child support award from 40% to 20%;
- Provides an explanation of the term "split parenting arrangement" and direction for calculating child support awards when those arrangements exist;
- Requires a study by Office of Program Policy Analysis and Governmental Accountability to evaluate the current process for reviewing and revising Florida's child support guidelines. A required report must contain recommendations for improving the existing process or implementing a new one;
- Reduces the arrearage threshold for denial of a passport; and
- Provides states with the option of establishing a corresponding case based on another state's administrative enforcement of an interstate case request.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 7217

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION _____ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

Council/Committee hearing bill: Health and Families Council
Representative Galvano offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (a) and (c) of subsection (1) of
section 61.13, Florida Statutes, are amended to read:

61.13 Custody and support of children; visitation rights;
power of court in making orders.--

(1)(a) In a proceeding under this chapter, the court may
at any time order either or both parents who owe a duty of
support to a child to pay support in accordance with the child
support guidelines in s. 61.30. The court initially entering an
order requiring one or both parents to make child support
payments shall have continuing jurisdiction after the entry of
the initial order to modify the amount and terms and conditions
of the child support payments when the modification is found
necessary by the court in the best interests of the child, when
the child reaches majority, or when there is a substantial
change in the circumstances of the parties. The court initially
entering a child support order shall also have continuing
jurisdiction to require the obligee to report to the court on

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

terms prescribed by the court regarding the disposition of the child support payments.

(c) To the extent necessary to protect an award of child support, the court may order either or both parents who owe a duty of support to a child ~~the obligor~~ to purchase or maintain a life insurance policy or a bond, or to otherwise secure the child support award with any other assets which may be suitable for that purpose, depending upon the equities of the cause.

Section 2. Section 61.30, Florida Statutes, is amended to read:

61.30 Child support guidelines; guidelines schedule; retroactive child support.--

(1)(a) The child support guideline amount as determined by this section presumptively establishes the amount the trier of fact shall order as child support in an initial proceeding for such support or in a proceeding for modification of an existing order for such support, whether the proceeding arises under this or another chapter. The trier of fact may order payment of child support which varies, plus or minus 5 percent, from the guideline amount, after considering all relevant factors, including the needs of the child or children, age, station in life, standard of living, and the financial status and ability of each parent. The trier of fact may order payment of child support in an amount which varies more than 5 percent from such guideline amount only upon a written finding explaining why ordering payment of such guideline amount would be unjust or inappropriate. Notwithstanding the variance limitations of this section, the trier of fact shall order payment of child support which varies from the guideline amount as provided in paragraph (11)(b) whenever any of the children are required by court order or mediation agreement to spend a substantial amount of time

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

54 with the primary and secondary residential parents. This
55 requirement applies to any living arrangement, whether temporary
56 or permanent.

57 (b) The guidelines may provide the basis for proving a
58 substantial change in circumstances upon which a modification of
59 an existing order may be granted. However, the difference
60 between the existing monthly obligation and the amount provided

61 for under the guidelines shall be at least 15 percent or \$50,
62 whichever amount is greater, before the court may find that the
63 guidelines provide a substantial change in circumstances.

64 (c) For each support order reviewed by the department as
65 required by s. 409.2564(11), if the amount of the child support
66 award under the order differs by at least 10 percent but not
67 less than \$25 from the amount that would be awarded under s.
68 61.30, the department shall seek to have the order modified and
69 any modification shall be made without a requirement for proof
70 or showing of a change in circumstances.

71 (2) Income shall be determined on a monthly basis for each
72 parent ~~the obligor and for the obligee~~ as follows:

73 (a) Gross income shall include, but is not limited to, the
74 following ~~items~~:

75 1. Salary or wages.

76 2. Bonuses, commissions, allowances, overtime, tips, and
77 other similar payments.

78 3. Business income from sources such as self-employment,
79 partnership, close corporations, and independent contracts.

80 "Business income" means gross receipts minus ordinary and
81 necessary expenses required to produce income.

82 4. Disability benefits.

83 5. All workers' compensation benefits and settlements.

84 6. Unemployment compensation.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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85 7. Pension, retirement, or annuity payments.

86 8. Social security benefits.

87 9. Spousal support received from a previous marriage or
88 court ordered in the marriage before the court.

89 10. Interest and dividends.

90 11. Rental income, which is gross receipts minus ordinary
91 and necessary expenses required to produce the income.

92 12. Income from royalties, trusts, or estates.

93 13. Reimbursed expenses or in kind payments to the extent
94 that they reduce living expenses.

95 14. Gains derived from dealings in property, unless the
96 gain is nonrecurring.

97 (b) 1. Income on a monthly basis shall be imputed to an
98 unemployed or underemployed parent when such employment or
99 underemployment is found by the court to be voluntary on that
100 parent's part, absent a finding of fact by the court of physical
101 or mental incapacity or other circumstances over which the
102 parent has no control. In the event of such voluntary
103 unemployment or underemployment, the employment potential and
104 probable earnings level of the parent shall be determined based
105 upon his or her recent work history, occupational
106 qualifications, and prevailing earnings level in the community
107 as provided in this paragraph; however, the court may refuse to
108 impute income to a primary residential parent if the court finds
109 it necessary for the parent to stay home with the child who is
110 the subject of the child support calculation to care for that
111 child.

112 2. In order for the court to impute income under
113 subparagraph 1., the court must make specific findings of fact
114 consistent with the requirements of this paragraph. The party

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

115 seeking to impute income has the burden to present competent,
116 substantial evidence:

117 a. That the unemployment or underemployment is voluntary;
118 and

119 b. That identifies the amount and source of the imputed
120 income, through evidence of available income from employment for
121 which the party is suitably qualified by education, experience,
122 current licensure, or geographic location, with due
123 consideration being given to the parties' current existing
124 parental obligations and time-sharing plan and their historical
125 compliance with the plan.

126 3. A rebuttable presumption shall exist, which entitles
127 the court to impute Florida minimum wage to a parent if no other
128 evidentiary basis or mechanism for establishing a parent's gross
129 income is available, absent a finding by the court that:

130 a. The parent has a physical or mental incapacity that
131 renders the parent unemployable or underemployed;

132 b. The parent needs to stay home with a child who is the
133 subject of the child support calculation proceedings and care
134 for that child, thereby preventing the parent's employment or
135 rendering the parent underemployed; or

136 c. There are other circumstances over which the parent has
137 no control, except for penal incarceration, which prevents the
138 parent from earning an income.

139
140 If evidence is produced that demonstrates that the parent is a
141 resident of another state, the state minimum wage applicable to
142 the parent's state of residence shall apply if it is greater
143 than the Florida minimum wage. In the absence of a state minimum
144 wage or if the other state's minimum wage is lower than the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

145 Florida minimum wage, the federal minimum wage as determined by
146 the United States Department of Labor shall apply.

147 4. Income may not be imputed beyond minimum wage
148 requirements in subparagraph 3. based upon:

149 a. Income records that are more than 5 years old at the
150 time of the hearing or trial at which imputation is sought.

151 b. Income at a level that a party has not previously ever
152 earned in the past, unless recently degreed, licensed,
153 certified, relicensed, or recertified and thus qualified for,
154 subject to geographic location, with due consideration being
155 given to the parties' current existing parental obligations and
156 time-sharing plan and their historical compliance with the plan.

157 (c) Public assistance as defined in s. 409.2554 shall be
158 excluded from gross income.

159 (3) Net income is obtained by subtracting allowable
160 deductions from gross income. Allowable deductions shall
161 include:

162 (a) Federal, state, and local income tax deductions,
163 adjusted for actual filing status and allowable dependents and
164 income tax liabilities.

165 (b) Federal insurance contributions or self-employment
166 tax.

167 (c) Mandatory union dues.

168 (d) Mandatory retirement payments.

169 (e) Health insurance payments, excluding payments for
170 coverage of the minor child.

171 (f) Court-ordered support for other children which is
172 actually paid.

173 (g) Spousal support paid pursuant to a court order from a
174 previous marriage or the marriage before the court.

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(4) Net income for each parent ~~the obligor and net income~~
for ~~the obligee~~ shall be computed by subtracting allowable
deductions from gross income.

(5) Net income for each parent ~~the obligor and net income~~
for ~~the obligee~~ shall be added together for a combined net
income.

(6) The following guidelines schedules shall be applied to
the combined net income to determine the minimum child support
need:

	Combined Monthly <u>Net</u> Available Income		Child or Children				
	One	Two	Three	Four	Five	Six	
650.00	74	75	75	76	77	78	
700.00	119	120	121	123	124	125	
750.00	164	166	167	169	171	173	
800.00	190	211	213	216	218	220	
850.00	202	257	259	262	265	268	
900.00	213	302	305	309	312	315	
950.00	224	347	351	355	359	363	
1000.00	235	365	397	402	406	410	
1050.00	246	382	443	448	453	458	
1100.00	258	400	489	495	500	505	

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197	1150.00	269	417	522	541	547	553
198	1200.00	280	435	544	588	594	600
199	1250.00	290	451	565	634	641	648
200	1300.00	300	467	584	659	688	695
201	1350.00	310	482	603	681	735	743
202	1400.00	320	498	623	702	765	790
203	1450.00	330	513	642	724	789	838
204	1500.00	340	529	662	746	813	869
205	1550.00	350	544	681	768	836	895
206	1600.00	360	560	701	790	860	920
207	1650.00	370	575	720	812	884	945
208	1700.00	380	591	740	833	907	971
209	1750.00	390	606	759	855	931	996
210	1800.00	400	622	779	877	955	1022
211	1850.00	410	638	798	900	979	1048
212	1900.00	421	654	818	923	1004	1074
213	1950.00	431	670	839	946	1029	1101
214	2000.00	442	686	859	968	1054	1128
	2050.00	452	702	879	991	1079	1154

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215	2100.00	463	718	899	1014	1104	1181
216	2150.00	473	734	919	1037	1129	1207
217	2200.00	484	751	940	1060	1154	1234
218	2250.00	494	767	960	1082	1179	1261
219	2300.00	505	783	980	1105	1204	1287
220	2350.00	515	799	1000	1128	1229	1314
221	2400.00	526	815	1020	1151	1254	1340
222	2450.00	536	831	1041	1174	1279	1367
223	2500.00	547	847	1061	1196	1304	1394
224	2550.00	557	864	1081	1219	1329	1420
225	2600.00	568	880	1101	1242	1354	1447
226	2650.00	578	896	1121	1265	1379	1473
227	2700.00	588	912	1141	1287	1403	1500
228	2750.00	597	927	1160	1308	1426	1524
229	2800.00	607	941	1178	1328	1448	1549
230	2850.00	616	956	1197	1349	1471	1573
231	2900.00	626	971	1215	1370	1494	1598
232	2950.00	635	986	1234	1391	1517	1622

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234	3000.00	644	1001	1252	1412	1540	1647
235	3050.00	654	1016	1271	1433	1563	1671
236	3100.00	663	1031	1289	1453	1586	1695
237	3150.00	673	1045	1308	1474	1608	1720
238	3200.00	682	1060	1327	1495	1631	1744
239	3250.00	691	1075	1345	1516	1654	1769
240	3300.00	701	1090	1364	1537	1677	1793
241	3350.00	710	1105	1382	1558	1700	1818
242	3400.00	720	1120	1401	1579	1723	1842
243	3450.00	729	1135	1419	1599	1745	1867
244	3500.00	738	1149	1438	1620	1768	1891
245	3550.00	748	1164	1456	1641	1791	1915
246	3600.00	757	1179	1475	1662	1814	1940
247	3650.00	767	1194	1493	1683	1837	1964
248	3700.00	776	1208	1503	1702	1857	1987
249	3750.00	784	1221	1520	1721	1878	2009
250	3800.00	793	1234	1536	1740	1899	2031
251	3850.00	802	1248	1553	1759	1920	2053
	3900.00	811	1261	1570	1778	1940	2075

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252	3950.00	819	1275	1587	1797	1961	2097
253	4000.00	828	1288	1603	1816	1982	2119
254	4050.00	837	1302	1620	1835	2002	2141
255	4100.00	846	1315	1637	1854	2023	2163
256	4150.00	854	1329	1654	1873	2044	2185
257	4200.00	863	1342	1670	1892	2064	2207
258	4250.00	872	1355	1687	1911	2085	2229
259	4300.00	881	1369	1704	1930	2106	2251
260	4350.00	889	1382	1721	1949	2127	2273
261	4400.00	898	1396	1737	1968	2147	2295
262	4450.00	907	1409	1754	1987	2168	2317
263	4500.00	916	1423	1771	2006	2189	2339
264	4550.00	924	1436	1788	2024	2209	2361
265	4600.00	933	1450	1804	2043	2230	2384
266	4650.00	942	1463	1821	2062	2251	2406
267	4700.00	951	1477	1838	2081	2271	2428
268	4750.00	959	1490	1855	2100	2292	2450
269	4800.00	968	1503	1871	2119	2313	2472
270							

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271	4850.00	977	1517	1888	2138	2334	2494
272	4900.00	986	1530	1905	2157	2354	2516
273	4950.00	993	1542	1927	2174	2372	2535
274	5000.00	1000	1551	1939	2188	2387	2551
275	5050.00	1006	1561	1952	2202	2402	2567
276	5100.00	1013	1571	1964	2215	2417	2583
277	5150.00	1019	1580	1976	2229	2432	2599
278	5200.00	1025	1590	1988	2243	2447	2615
279	5250.00	1032	1599	2000	2256	2462	2631
280	5300.00	1038	1609	2012	2270	2477	2647
281	5350.00	1045	1619	2024	2283	2492	2663
282	5400.00	1051	1628	2037	2297	2507	2679
283	5450.00	1057	1638	2049	2311	2522	2695
284	5500.00	1064	1647	2061	2324	2537	2711
285	5550.00	1070	1657	2073	2338	2552	2727
286	5600.00	1077	1667	2085	2352	2567	2743
287	5650.00	1083	1676	2097	2365	2582	2759
288	5700.00	1089	1686	2109	2379	2597	2775
	5750.00	1096	1695	2122	2393	2612	2791

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289	5800.00	1102	1705	2134	2406	2627	2807
290	5850.00	1107	1713	2144	2418	2639	2820
291	5900.00	1111	1721	2155	2429	2651	2833
292	5950.00	1116	1729	2165	2440	2663	2847
293	6000.00	1121	1737	2175	2451	2676	2860
294	6050.00	1126	1746	2185	2462	2688	2874
295	6100.00	1131	1754	2196	2473	2700	2887
296	6150.00	1136	1762	2206	2484	2712	2900
297	6200.00	1141	1770	2216	2495	2724	2914
298	6250.00	1145	1778	2227	2506	2737	2927
299	6300.00	1150	1786	2237	2517	2749	2941
300	6350.00	1155	1795	2247	2529	2761	2954
301	6400.00	1160	1803	2258	2540	2773	2967
302	6450.00	1165	1811	2268	2551	2785	2981
303	6500.00	1170	1819	2278	2562	2798	2994
304	6550.00	1175	1827	2288	2573	2810	3008
305	6600.00	1179	1835	2299	2584	2822	3021
306	6650.00	1184	1843	2309	2595	2834	3034
307							

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308	6700.00	1189	1850	2317	2604	2845	3045
309	6750.00	1193	1856	2325	2613	2854	3055
310	6800.00	1196	1862	2332	2621	2863	3064
311	6850.00	1200	1868	2340	2630	2872	3074
312	6900.00	1204	1873	2347	2639	2882	3084
313	6950.00	1208	1879	2355	2647	2891	3094
314	7000.00	1212	1885	2362	2656	2900	3103
315	7050.00	1216	1891	2370	2664	2909	3113
316	7100.00	1220	1897	2378	2673	2919	3123
317	7150.00	1224	1903	2385	2681	2928	3133
318	7200.00	1228	1909	2393	2690	2937	3142
319	7250.00	1232	1915	2400	2698	2946	3152
320	7300.00	1235	1921	2408	2707	2956	3162
321	7350.00	1239	1927	2415	2716	2965	3172
322	7400.00	1243	1933	2423	2724	2974	3181
323	7450.00	1247	1939	2430	2733	2983	3191
324	7500.00	1251	1945	2438	2741	2993	3201
325	7550.00	1255	1951	2446	2750	3002	3211
	7600.00	1259	1957	2453	2758	3011	3220

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326	7650.00	1263	1963	2461	2767	3020	3230
327	7700.00	1267	1969	2468	2775	3030	3240
328	7750.00	1271	1975	2476	2784	3039	3250
329	7800.00	1274	1981	2483	2792	3048	3259
330	7850.00	1278	1987	2491	2801	3057	3269
331	7900.00	1282	1992	2498	2810	3067	3279
332	7950.00	1286	1998	2506	2818	3076	3289
333	8000.00	1290	2004	2513	2827	3085	3298
334	8050.00	1294	2010	2521	2835	3094	3308
335	8100.00	1298	2016	2529	2844	3104	3318
336	8150.00	1302	2022	2536	2852	3113	3328
337	8200.00	1306	2028	2544	2861	3122	3337
338	8250.00	1310	2034	2551	2869	3131	3347
339	8300.00	1313	2040	2559	2878	3141	3357
340	8350.00	1317	2046	2566	2887	3150	3367
341	8400.00	1321	2052	2574	2895	3159	3376
342	8450.00	1325	2058	2581	2904	3168	3386
343	8500.00	1329	2064	2589	2912	3178	3396

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345	8550.00	1333	2070	2597	2921	3187	3406
346	8600.00	1337	2076	2604	2929	3196	3415
347	8650.00	1341	2082	2612	2938	3205	3425
348	8700.00	1345	2088	2619	2946	3215	3435
349	8750.00	1349	2094	2627	2955	3224	3445
350	8800.00	1352	2100	2634	2963	3233	3454
351	8850.00	1356	2106	2642	2972	3242	3464
352	8900.00	1360	2111	2649	2981	3252	3474
353	8950.00	1364	2117	2657	2989	3261	3484
354	9000.00	1368	2123	2664	2998	3270	3493
355	9050.00	1372	2129	2672	3006	3279	3503
356	9100.00	1376	2135	2680	3015	3289	3513
357	9150.00	1380	2141	2687	3023	3298	3523
358	9200.00	1384	2147	2695	3032	3307	3532
359	9250.00	1388	2153	2702	3040	3316	3542
360	9300.00	1391	2159	2710	3049	3326	3552
361	9350.00	1395	2165	2717	3058	3335	3562
362	9400.00	1399	2171	2725	3066	3344	3571
	9450.00	1403	2177	2732	3075	3353	3581

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363	9500.00	1407	2183	2740	3083	3363	3591
364	9550.00	1411	2189	2748	3092	3372	3601
365	9600.00	1415	2195	2755	3100	3381	3610
366	9650.00	1419	2201	2763	3109	3390	3620
367	9700.00	1422	2206	2767	3115	3396	3628
368	9750.00	1425	2210	2772	3121	3402	3634
369	9800.00	1427	2213	2776	3126	3408	3641
370	9850.00	1430	2217	2781	3132	3414	3647
371	9900.00	1432	2221	2786	3137	3420	3653
372	9950.00	1435	2225	2791	3143	3426	3659
373	10000.0	1437	2228	2795	3148	3432	3666
374	0						

375 For combined monthly available income less than the amount set
 376 out on the above schedules, the parent should be ordered to pay
 377 a child support amount, determined on a case-by-case basis, to
 378 establish the principle of payment and lay the basis for
 379 increased orders should the parent's income increase in the
 380 future. For combined monthly available income greater than the
 381 amount set out in the above schedules, the obligation shall be
 382 the minimum amount of support provided by the guidelines
 383 schedule plus the following percentages multiplied by the amount
 384 of income over \$10,000:

85

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Child or Children

One	Two	Three	Four	Five	Six
5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

These percentages should not be employed to determine child support beyond the amount necessary to satisfy the reasonable needs of the child or children.

(7) Child care costs incurred on behalf of the children due to employment, job search, or education calculated to result in employment or to enhance income of current employment of either parent shall be ~~reduced by 25 percent and then shall be~~ added to the basic obligation. After the ~~adjusted~~ child care costs are added to the basic obligation, any moneys prepaid by the noncustodial parent for child care costs for the child or children of this action shall be deducted from that noncustodial parent's child support obligation for that child or those children. Child care costs shall not exceed the level required to provide quality care from a licensed source for the children.

(8) Health insurance costs resulting from coverage ordered pursuant to s. 61.13(1)(b), and any noncovered medical, dental, and prescription medication expenses of the child, shall be added to the basic obligation unless these expenses have been ordered to be separately paid on a percentage basis. After the health insurance costs are added to the basic obligation, any moneys prepaid by the noncustodial parent for health-related costs for the child or children of this action shall be deducted from that noncustodial parent's child support obligation for that child or those children.

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413 (9) Each parent's percentage share of the child support
414 need shall be determined by dividing each parent's net monthly
415 income by the combined net monthly income.

416 (10) The total minimum child support need shall be
417 determined by adding child care costs and health insurance costs
418 to the minimum child support need. Each parent's actual dollar
419 share of the total minimum child support need shall be
420 determined by multiplying the minimum child support need by each
421 parent's percentage share of the combined monthly net income.

422 (11)(a) The court may adjust the total minimum child
423 support award, or either or both parents' share of the total
424 minimum child support award, based upon the following deviation
425 factors considerations:

426 1. Extraordinary medical, psychological, educational, or
427 dental expenses.

428 2. Independent income of the child, not to include moneys
429 received by a child from supplemental security income.

430 3. The payment of support for a parent which regularly has
431 been paid and for which there is a demonstrated need.

432 4. Seasonal variations in one or both parents' incomes or
433 expenses.

434 5. The age of the child, taking into account the greater
435 needs of older children.

436 6. Special needs, such as costs that may be associated
437 with the disability of a child, that have traditionally been met
438 within the family budget even though the fulfilling of those
439 needs will cause the support to exceed the presumptive amount
440 established by the ~~proposed~~ guidelines.

441 7. Total available assets of the obligee, obligor, and the
442 child.

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8. The impact of the Internal Revenue Service dependency exemption and waiver of that exemption and the impact of any federal child care tax credit. The court may order the primary residential parent to execute a waiver of the Internal Revenue Service dependency exemption if the noncustodial parent is current in support payments.

9. ~~When application of the child support guidelines~~ requires a person to pay another person more than 55 percent of his or her gross income for a child support obligation for current support resulting from a single support order.

10. The particular parenting ~~shared parental~~ arrangement, such as where the child spends a significant amount of time, but less than 20 ~~40~~ percent of the overnights, with the noncustodial parent, thereby reducing the financial expenditures incurred by the primary residential parent; or the refusal of the noncustodial parent to become involved in the activities of the child.

11. Any other adjustment which is needed to achieve an equitable result which may include, but not be limited to, a reasonable and necessary existing expense or debt. Such expense or debt may include, but is not limited to, a reasonable and necessary expense or debt which the parties jointly incurred during the marriage.

(b) Whenever a particular parenting ~~shared parental~~ arrangement provides that each child spend a substantial amount of time with each parent, the court shall adjust any award of child support, as follows:

1. In accordance with subsections (9) and (10), calculate the amount of support obligation apportioned to the noncustodial parent without including day care and health insurance costs in the calculation and multiply the amount by 1.5.

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2. In accordance with subsections (9) and (10), calculate the amount of support obligation apportioned to the custodial parent without including day care and health insurance costs in the calculation and multiply the amount by 1.5.

3. Calculate the percentage of overnight stays the child spends with each parent.

4. Multiply the noncustodial parent's support obligation as calculated in subparagraph 1. by the percentage of the custodial parent's overnight stays with the child as calculated in subparagraph 3.

5. Multiply the custodial parent's support obligation as calculated in subparagraph 2. by the percentage of the noncustodial parent's overnight stays with the child as calculated in subparagraph 3.

6. The difference between the amounts calculated in subparagraphs 4. and 5. shall be the monetary transfer necessary between the custodial and noncustodial parents for the care of the child, subject to an adjustment for day care and health insurance expenses.

7. Pursuant to subsections (7) and (8), calculate the net amounts owed by the custodial and noncustodial parents for the expenses incurred for day care and health insurance coverage for the child. ~~Day care shall be calculated without regard to the 25 percent reduction applied by subsection (7).~~

8. Adjust the support obligation owed by the custodial or noncustodial parent pursuant to subparagraph 6. by crediting or debiting the amount calculated in subparagraph 7. This amount represents the child support which must be exchanged between the custodial and noncustodial parents. However, if the amount to be paid is more than the child support which would be paid had the child support been calculated without adjustment for substantial

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parenting time, the court shall order child support to be paid without making the otherwise mandatory adjustment required by paragraph 11(b).

9. The court may deviate from the child support amount calculated pursuant to subparagraph 8. based upon the deviation factors ~~considerations~~ set forth in paragraph (a), as well as ~~the custodial parent's low income of either parent or the inability of either parent and ability~~ to maintain the basic necessities of the home for the child, the likelihood that the noncustodial parent will actually exercise the visitation granted by the court, and whether all of the children are exercising the same parenting ~~shared parental~~ arrangement.

10. For purposes of adjusting any award of child support under this paragraph, "substantial amount of time" means that the noncustodial parent exercises visitation at least 20 ~~40~~ percent of the overnights of the year.

(c) A noncustodial parent's failure to regularly exercise court-ordered or agreed visitation not caused by the custodial parent which resulted in the adjustment of the amount of child support pursuant to subparagraph (a)10. or paragraph (b) shall be deemed a substantial change of circumstances for purposes of modifying the child support award. A modification pursuant to this paragraph shall be retroactive to the date the noncustodial parent first failed to regularly exercise court-ordered or agreed visitation.

(d) A split parenting arrangement exists when there is more than one child in common and each parent has the majority of the overnight timesharing for one or more of the children. In cases involving split parenting arrangements, the court shall calculate and order child support as follows:

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535 1. The court shall make two separate child support
536 calculations, one for each child or group of children residing
537 for a majority of the overnights with each parent.

538 2. The obligations arising from each initial child support
539 calculation shall be offset; the lower support obligation shall
540 be subtracted from the higher support obligation to determine
541 the split parenting child support obligation.

542 3. The parent owing the greater amount of child support in
543 subparagraph (d)1. shall pay the split parenting child support
544 obligation to the other parent.

545 (12) (a) A parent with a support obligation may have other
546 children living with him or her who were born or adopted after
547 the support obligation arose. If such subsequent children exist,
548 the court, when considering an upward modification of an
549 existing award, may disregard the income from secondary
550 employment obtained in addition to the parent's primary
551 employment if the court determines that the employment was
552 obtained primarily to support the subsequent children.

553 (b) Except as provided in paragraph (a), the existence of
554 such subsequent children should not as a general rule be
555 considered by the court as a basis for disregarding the amount
556 provided in the guidelines schedule. The parent with a support
557 obligation for subsequent children may raise the existence of
558 such subsequent children as a justification for deviation from
559 the guidelines schedule. However, if the existence of such
560 subsequent children is raised, the income of the other parent of
561 the subsequent children shall be considered by the court in
562 determining whether or not there is a basis for deviation from
563 the guideline amount.

564 (c) The issue of subsequent children under paragraph (a)
565 or paragraph (b) may only be raised in a proceeding for an

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upward modification of an existing award and may not be applied to justify a decrease in an existing award.

(13) If the recurring income is not sufficient to meet the needs of the child, the court may order child support to be paid from nonrecurring income or assets.

(14) Every petition for child support or for modification of child support shall be accompanied by an affidavit which

shows the party's income, allowable deductions, and net income computed in accordance with this section. The affidavit shall be served at the same time that the petition is served. The respondent, whether or not a stipulation is entered, shall make an affidavit which shows the party's income, allowable deductions, and net income computed in accordance with this section. The respondent shall include his or her affidavit with the answer to the petition or as soon thereafter as is practicable, but in any case at least 72 hours prior to any hearing on the finances of either party.

(15) For purposes of establishing an obligation for support in accordance with this section, if a person who is receiving public assistance is found to be noncooperative as defined in s. 409.2572, the IV-D agency is authorized to submit to the court an affidavit attesting to the income of the custodial parent based upon information available to the IV-D agency.

(16) The Legislature shall review the guidelines established in this section at least every 4 years beginning in 1997.

(17) In an initial determination of child support, whether in a paternity action, dissolution of marriage action, or petition for support during the marriage, the court has discretion to award child support retroactive to the date when

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597 the parents did not reside together in the same household with
598 the child, not to exceed a period of 24 months preceding the
599 filing of the petition, regardless of whether that date precedes
600 the filing of the petition. In determining the retroactive award
601 in such cases, the court shall consider the following:

602 (a) The court shall apply the guidelines schedule in
603 effect at the time of the hearing subject to the obligor's

604 demonstration of his or her actual income, as defined by
605 subsection (2), during the retroactive period. Failure of the
606 obligor to so demonstrate shall result in the court using the
607 obligor's income at the time of the hearing in computing child
608 support for the retroactive period.

609 (b) All actual payments made by the noncustodial parent to
610 the custodial parent or the child or third parties for the
611 benefit of the child throughout the proposed retroactive period.

612 (c) The court should consider an installment payment plan
613 for the payment of retroactive child support.

614 Section 3. Paragraph (a) of subsection (5) of section
615 409.2563, Florida Statutes, is amended to read:

616 409.2563 Administrative establishment of child support
617 obligations.--

618 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

619 (a) After serving notice upon the noncustodial parent in
620 accordance with subsection (4), the department shall calculate
621 the noncustodial parent's child support obligation under the
622 child support guidelines as provided by s. 61.30, based on any
623 timely financial affidavits received and other information
624 available to the department. If either parent fails to comply
625 with the requirement to furnish a financial affidavit, the
626 department may proceed on the basis of information available
627 from any source, if such information is sufficiently reliable

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628 and detailed to allow calculation of guideline amounts under s.
629 61.30. If the custodial parent receives public assistance and
630 fails to submit a financial affidavit, the department may submit
631 a financial affidavit for the custodial parent pursuant to s.
632 61.30(15). If there is a lack of sufficient reliable information
633 concerning a parent's actual earnings for a current or past
634 period, it shall be presumed for the purpose of establishing a
635 support obligation that a ~~the~~ parent who is a Florida resident
636 or whose residence is unknown had an earning capacity equal to
637 the Florida ~~federal~~ minimum wage on a full-time basis during the
638 applicable period, unless the parent shows that he or she is a
639 resident of another state, in which case the state minimum wage
640 applicable to the parent's state of residence shall apply if it
641 is greater than the Florida minimum wage. In the absence of a
642 state minimum wage, or if the other state's minimum wage is
643 lower than the Florida minimum wage, the federal minimum wage
644 shall apply.

645 Section 4. Subsection (10) of section 409.2564, Florida
646 Statutes, is amended to read:

647 409.2564 Actions for support.--

648 (10) For the purposes of denial, revocation, or limitation
649 of an individual's United States passport, consistent with 42
650 U.S.C. s. 652(k)(1), the Title IV-D agency shall have procedures
651 to certify to the Secretary of the United States Department of
652 Health and Human Services, in the format and accompanied by such
653 supporting documentation as the secretary may require, a
654 determination that an individual owes arrearages of support in
655 an amount exceeding \$2,500 ~~\$5,000~~. Said procedures shall provide
656 that the individual be given notice of the determination and of
657 the consequence thereof and that the individual shall be given
658 an opportunity to contest the accuracy of the determination.

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659 Section 5. Section 409.25641, Florida Statutes, is amended
660 to read:

661 409.25641 Procedures for processing automated
662 administrative enforcement requests.--

663 (1) The department ~~Title IV-D agency~~ shall use automated
664 administrative enforcement, as defined in Title IV-D of the
665 Social Security Act, in response to a request from another state
666 to enforce a support order and shall promptly report the results
667 of enforcement action to the requesting state.

668 (2) This request:

669 (a) May be transmitted from the other state by electronic
670 or other means.†

671 (b) Shall contain sufficient identifying information to
672 allow comparison with the databases within the state which are
673 available to the department. ~~Title IV-D agency; and~~

674 (c) Shall constitute a certification by the requesting
675 state:

- 676 1. Of the amount of arrearage accrued under the order; and
677 2. That the requesting state has complied with all
678 procedural due process requirements applicable to the case.

679 (3) If assistance is provided by the department ~~Title IV-D~~
680 ~~agency~~ to another state as prescribed above, the department may
681 not ~~neither state shall~~ consider the case to be transferred from
682 the caseload of the other state to the caseload of the
683 department, but the department may establish a corresponding
684 case based on the other state's request for assistance ~~Title IV-~~
685 ~~D agency.~~

686 (4) The department ~~Title IV-D agency~~ shall maintain a
687 record of:

688 (a) The number of requests received;

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(b) The number of cases for which the department ~~Title IV-~~
~~D-agency~~ collected support in response to such a request; and

(c) The amount of such collected support.

(5) The department shall have authority to adopt rules to
implement this section.

Section 6. The Office of Program Policy Analysis and
Government Accountability shall evaluate the effectiveness of
the system currently used for complying with the federal
requirement that states review their child support guidelines at
least once every 4 years. The evaluation shall include a
comparison of all available methodologies being utilized by
other states in conducting their reviews of their child support
guidelines and include recommendations for either maintaining
the current review process with the Legislature or transferring
the responsibility to another entity. A report shall be
submitted to the Governor, the President of the Senate, and the
Speaker of the House of Representatives by January 31, 2007.

Section 7. This act shall take effect October 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

An act relating to child support; amending s. 61.13, F.S.;
requiring either or both parents who owe support to secure a
child support award; amending s. 61.30, F.S.; providing
conditions for the imputation of income by the court under
certain circumstances; providing for the determination of
net income; providing the child support guidelines schedule;
providing for income levels above what is reflected in the
schedule; revising amount of child care costs to be added to the

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720 basic child support obligation; revising method for calculating
721 each parent's percentage share of the child support need;
722 revising method of calculating the total minimum child support
723 need; revising factors to be considered by the court in
724 adjusting child support awards; providing for calculation of
725 child support orders in cases of split parenting arrangements;
726 specifying the method for determining a child support order
727 amount; amending s. 409.2563, F.S.; providing for the imputation
728 of income under certain circumstances; amending s.409.2564,
729 F.S.; providing a threshold for arrearages before passport
730 restrictions apply; amending s. 409.25641, F.S.; requiring the
731 Department of Revenue to employ automated administrative
732 enforcement of support orders in interstate cases; authorizing
733 the department to establish a corresponding case under certain
734 circumstances; requiring the Office of Program Policy Analysis
735 and Government Accountability to evaluate state compliance with
736 federally required review of child support guidelines and
737 provide a report to the Governor and Legislature; providing an
738 effective date.

739